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Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

General Services Administration

Effective upon publication in the FEDERAL REGISTER, paragraph (g) (1) is added to § 6.333 as set out below.

§ 6.333 General Services Administration.

* * * * *
(g) *Utilization and Disposal Service.*
(1) The Commissioner.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;
5 U.S.C. 631, 633)

UNITED STATES CIVIL SERV-
ICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 61-6311; Filed, July 5, 1961;
8:55 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of State

Effective upon publication in the FEDERAL REGISTER, subparagraph (7) is added to paragraph (1) of § 6.302 as set out below.

§ 6.302 Department of State.

* * * * *
(1) *Bureau of Inter-American Affairs.*
* * *

(7) One Deputy Assistant Secretary
(Educational and Cultural Affairs).

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;
5 U.S.C. 631, 633)

UNITED STATES CIVIL SERV-
ICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 61-6312; Filed, July 5, 1961;
8:55 a.m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

Department of Defense

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (1) is added to section 6.304 as set out below.

§ 6.304 Department of Defense.

* * * * *
(d) *Interdepartmental Programs.* (1)
Two personal secretaries and confidential assistants to the Military Representative of the President.

(R.S. 1753, sec. 2, 22 Stat. 403, as amended;
5 U.S.C. 631, 633)

UNITED STATES CIVIL SERV-
ICE COMMISSION,

[SEAL] MARY V. WENZEL,
*Executive Assistant to
the Commissioners.*

[F.R. Doc. 61-6313; Filed, July 5, 1961;
8:55 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

[Amtd. 3]

PART 517—FRUITS AND BERRIES, FRESH

Subpart—Cranberry Payment Program AMM 181a

It is hereby determined that in order to carry out the purposes of the cranberry payment program, it is necessary to further amend the program terms and conditions as follows:

§ 517.479 [Amendment]

The second sentence of § 517.479(c) is hereby amended to read as follows: "In no event may any approved application be amended to revise the quantity of harvested berries upward, except with the approval of the Director."

The following new sections are hereby added:

§ 517.495 Repossessed cranberries.

The grower or the grower's representative who sold cranberries at a fixed price or otherwise to a handler or processor, and subsequently repossessed such cranberries due to cancellation of the sale or other cause under circumstances in which he could not reasonably have expected to receive payment from the purchaser, shall not be considered to have sold such berries for the purposes of this subpart, as amended; and such grower or grower's representative shall be eligible to receive payment on such repossessed berries, provided they were thereafter disposed of in accordance with the provisions of the program.

§ 517.496 Sales price adjustments.

Notwithstanding any other provisions of this subpart, if the grower or grower's representative made an adjustment in the sales price of cranberries sold to a handler or processor, the adjusted sales price will be accepted as the basis upon which payment will be made under the program: *Provided*, That it is a bona fide adjustment, that it was made under circumstances which constituted an involuntary loss, and that there was no reasonable alternative thereto. The

burden of proof that it is a bona fide adjustment, made under circumstances which constituted an involuntary loss, and that there was no reasonable alternative, shall be on the grower or grower's representative. Any grower or grower's representative who desires to claim his price adjustment as a basis for payment under the program shall submit his evidence to the Director and shall certify that such adjustment was bona fide and made under circumstances constituting an involuntary loss and that there was no reasonable alternative to such adjustment.

Effective date. This amendment shall become effective June 30, 1961.

Dated this 30th day of June 1961.

FLOYD F. HEDLUND,
*Authorized Representative of
the Secretary of Agriculture.*

[F.R. Doc. 61-6287; Filed, July 5, 1961;
8:52 a.m.]

Title 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Agricultural Research Service, Department of Agriculture

SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

PART 77—TUBERCULOSIS IN CATTLE Restrictions on Interstate Movement of Cattle Because of Tuberculosis

Pursuant to § 77.3 of the regulations restricting the movement of cattle because of tuberculosis (9 CFR Part 77), issued under the provisions of sections 1 and 2 of the Act of February 2, 1903, as amended, and sections 4 and 5 of the Act of May 29, 1884, as amended (21 U.S.C. 111-113, 120, 121), and upon the basis of determinations made by the Director of the Animal Disease Eradication Division under said section, § 77.3a of Part 77, Subchapter C, Chapter I, Title 9, Code of Federal Regulations, is hereby amended to read:

§ 77.3a Modified accredited areas.

The following areas are hereby designated as modified accredited areas: The District of Columbia and all portions of all States and Territories of the United States, other than the State of Hawaii and Dewey County in the State of South Dakota.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended; 21 U.S.C. 111-113, 120, 121; 19 F.R. 74, as amended; 9 CFR 77.3)

Effective date. This amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment removes Dewey County in the State of South Dakota from the areas designated as modified accredited areas because it does not

meet the qualifications of such an area as set out in § 77.3.

This amendment imposes certain restrictions necessary to prevent the spread of tuberculosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Therefore, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to this amendment are impracticable and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 30th day of June 1961.

R. J. ANDERSON,
Director, Animal Disease Eradication Division, Agricultural Research Service.

[F.R. Doc. 61-6289; Filed, July 5, 1961; 8:52 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER D—SPECIAL FEED GRAINS PROGRAM

[1961 Feed Grain Program, Supp. 1]

PART 775—FEED GRAINS

Subpart—1961 Feed Grain Program Regulations

Correction¹

In F.R. Document 61-5522, appearing in the issue for Friday, June 23, 1961, at page 5603, the tables to §§ 495.52 and 495.53 are corrected as follows:

§ 495.52 County average yields and county payment rates for corn.

District	County	1959-60 average yield (bushels)	50-percent payment rate per acre (dollars)	60-percent payment rate per acre (dollars)
IOWA				
1	Plymouth	58.0	32.80	39.30
8	Madison	59.2	34.30	41.20
9	Jefferson	55.5	32.80	39.30
TEXAS				
7	Uvalde	45.2	28.70	34.40

§ 495.53 County average yields and county payment rates for grain sorghums.

District	County	1959-60 average yield (bushels)	50-percent payment rate per acre (dollars)	60-percent payment rate per acre (dollars)
INDIANA				
2	Wabash	53.0	28.10	33.70
5	Shelby	62.0	32.90	39.40
7	Daviess	54.2	28.70	34.40
	Dubois	53.2	28.20	33.80
KANSAS				
7	Clark	23.5	11.80	14.10
TENNESSEE				
3	Houston	37.8	21.20	25.40

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

[957.320]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

Limitation of Shipments

Findings. (a) Marketing Agreement No. 98 and Order No. 57, as amended

(7 CFR 957), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of potatoes grown in the production area defined therein through the issuance of regulations authorized in §§ 957.1 through 957.91 inclusive, of the order. The Idaho-Eastern Oregon Potato Committee, pursuant to § 957.51 of the order, has recommended that regulations limiting the handling of 1961 crop potatoes should be issued. The recommendation

¹ Previously codified and published under 6 CFR Part 495.

of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the regulations hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this action must become effective in order to effectuate the declared policy of the act is insufficient (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted under the circumstances, for such preparation, and (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

§ 957.320 Limitation of shipments.

During the period from July 9, 1961, through June 30, 1962, no person shall handle any lot of potatoes unless such potatoes meet the requirements of paragraphs (a) and (b) of this section, or unless such potatoes are handled in accordance with paragraphs (c), (d), and (e) of this section.

(a) *Minimum quality requirements*—(1) *Grade*. All varieties—U.S. No. 2, or better grade.

(2) *Size*—(i) *Round red varieties*. 1 $\frac{3}{8}$ inches minimum diameter. (ii) *All other varieties*. 2 inches minimum diameter or 4 ounces minimum weight.

(3) *Cleanliness*—(i) *Kennebec variety*. Not more than "slightly dirty." (ii) *All other varieties*. "Generally fairly clean."

(b) *Minimum maturity requirements*—(1) *White Rose variety*. "Moderately skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-half of the skin missing or feathered.

(2) *All other varieties*. "Slightly skinned" which means that not more than 10 percent of the potatoes in any lot may have more than one-fourth of the skin missing or "feathered."

(3) *Exceptions*. (i) Subject to compliance with subdivision (iii) of this subparagraph, any lot of potatoes not exceeding a total of 50 hundredweight of each variety may be handled for any producer without regard to the foregoing maturity requirements.

(ii) If an officially inspected lot of potatoes meets the foregoing maturity requirements but fails to meet the grade and size requirements, the lot may be regraded. If, after regrading, such lot then meets the grade and size require-

ments but fails to meet the maturity requirements, as indicated by the applicable Federal-State inspection certificate, such lot if not exceeding 100 hundredweight shall be exempt from the foregoing maturity requirements: *Provided*, That the handler complies with subdivision (iii) of this subparagraph.

(iii) Prior to each shipment of potatoes exempt from the foregoing maturity requirements, the handler thereof shall report to the committee the name and address of the producer of such potatoes, and each such shipment shall be handled as an identifiable entity.

(c) *Special purpose shipments.* (1) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall not be applicable to shipments of potatoes for any of the following purposes:

- (i) Certified seed;
- (ii) Charity;
- (iii) Starch;
- (iv) Canning or freezing;
- (v) Dehydration;
- (vi) Experimentation.

(2) The minimum grade, size, cleanliness, and maturity requirements set forth in paragraphs (a) and (b) of this section shall be applicable to shipments of potatoes for each of the following purposes:

(i) Export: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than U.S. No. 2; and

(ii) Potato chipping or prepeeling: *Provided*, That potatoes of a size not smaller than 1½ inches in diameter may be shipped if the potatoes grade not less than Idaho Utility, or Oregon Utility, grade.

(d) *Safeguards.* Each handler making shipments of potatoes for starch, canning or freezing, dehydration, experimentation, export, or for prepeeling pursuant to paragraph (c) of this section shall:

(1) Prior to making shipment, apply to the committee for and obtain a Certificate of Privilege to make each shipment;

(2) Pay assessments on each shipment, except shipments for canning or freezing;

(3) Have each shipment inspected, except shipments for canning or freezing;

(4) Upon request by the committee, furnish reports of each shipment pursuant to the applicable Certificate of Privilege;

(5) At the time of applying to the committee for a Certificate of Privilege, or promptly thereafter, furnish the committee with a receiver's or buyer's certification that the potatoes so handled are to be used only for the purpose stated in the application and that the receiver will complete and return to the committee such periodic reports that the committee may require;

(6) Mail to the office of the committee a copy of the bill of lading for each Certificate of Privilege shipment promptly after the date of shipment;

(7) Bill each shipment directly to the applicable processor or receiver.

(e) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, 5 hundredweight of potatoes any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment that exceeds 5 hundredweight of potatoes.

(f) *Definitions.* The terms "U.S. No. 1," "U.S. No. 2," "fairly clean," and "slightly dirty" shall have the same meaning as when used in the United States Standards for Potatoes (§§51.1540 to 51.1556 of this title), including the tolerances set forth therein. The term "generally fairly clean" means that at least 90 percent of the potatoes in a given lot are "fairly clean." The term "prepeeling" means potatoes which are clean, sound, fresh tubers prepared commercially in a prepeeling plant by washing, removal of the outer skin or peel, trimming, and sorting preparatory to sale in one or more of the styles of peeled potatoes described in § 52.2422 (United States Standards for Grades of Peeled Potatoes §§ 52.2421 to 52.2433 of this title). The terms "Idaho Utility grade" and "Oregon Utility grade" shall have the same meanings as when used in the respective standards for potatoes for the respective States. Other terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, both as amended.

(g) *Applicability to imports.* Pursuant to § 608e of the Act and § 1066.1, "Import regulations" (25 F.R. 2659, 7 CFR Part 1066), Irish potatoes imported into the United States during the period July 9 through September 30, 1961, shall meet the grade, size, quality and maturity requirements specified in paragraphs (a) and (b) of this section.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated June 30, 1961 to become effective July 9, 1961.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division

[F.R. Doc. 61-6288; Filed, July 5, 1961;
8:52 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

SUBCHAPTER A—PROCEDURES, RULES OF PRACTICE, AND ORDERS

PART 3—CONSENT ORDER PROCEDURE

PART 4—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

In order to expedite the disposition of adjudicatory proceedings and to generally improve its procedures governing such proceedings, the Commission has amended, revised, and redesignated its rules governing the disposition of proceedings by the entry of consent orders and its rules of practice for adjudicative proceedings.

Under the amended and revised rules, any negotiations looking toward the disposition of a matter by the entry of a consent order will be had prior to the issuance and service of the complaint, and the rules governing adjudicative proceedings will not be applicable to such negotiations. Consent order procedure will not be available after a complaint is issued. Negotiations for agreements containing consent orders will be under the supervision and control of the Commission's Office of Consent Orders, and hearing examiners will be relieved of all duties and responsibilities in connection with matters disposed of by the entry of consent orders.

The amended and revised rules of practice for adjudicative proceedings provide a limited review procedure for initial decisions of hearing examiners. Heretofore, any party to a proceeding could, as a matter of right, file a notice of intention to appeal and thereafter appeal from a hearing examiner's initial decision. Under the amended and revised rules, the Commission's review of initial decisions will be limited to those cases in which the party seeking the review first establishes, in a petition for review, that important substantive or procedural matters are involved, and cases which the Commission upon its own motion places on its own docket for review. The principal effect of the amended rule will be to eliminate appeals which are clearly without merit and which are made for the sole purpose of delaying the final decision.

The amended and revised rules will be applicable to all proceedings in which the complaint is served subsequent to the effective date of the amended rules.

The rules are amended, revised, and redesignated to read as follows:

PART 3—CONSENT ORDER PROCEDURE

Sec.

- 3.1 Notice of proposed adjudicative proceeding.
- 3.2 Reply.
- 3.3 Agreement.
- 3.4 Disposition.

AUTHORITY: §§ 3.1 to 3.4 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

§ 3.1 Notice of proposed adjudicative proceeding.

Where time, the nature of the proceeding and the public interest permit, the Commission may notify a person, partnership or corporation of its determination to issue its complaint charging such party with having violated one or more of the statutes administered by the Commission. Such notice shall be served in the manner provided in § 4.26(a) of the Rules of Practice for Adjudicative Proceedings, and shall be accompanied by a complaint which the Commission intends to issue, together with a proposed form of order.

§ 3.2 Reply.

(a) Within ten days after service of such notice, the parties named may file a reply with the Secretary stating whether or not they are willing to have the proceeding disposed of by the entry

of an order in substantially the form proposed.

(b) If the reply is in the negative or if no reply is filed within the time provided, the complaint will be issued and served forthwith.

(c) If the reply is in the affirmative, the files will be referred to the Office of Consent Orders, where the parties served and members of the Commission's staff may participate in the preparation and execution of an agreement containing a consent order. The parties may appear personally or be represented by an attorney of record who has entered an appearance under § 4.23. No representations on behalf of a party by other persons will be recognized.

§ 3.3 Agreement.

Every agreement shall contain, in addition to an order, an admission of all jurisdictional facts and express waivers of further procedural steps, of the requirement that the Commission's decision contain a statement of findings of fact and conclusions of law, and of all rights to seek judicial review or to otherwise challenge or contest the validity of the order. The agreement shall also contain provisions that the complaint may be used in construing the terms of the order; that the order shall have the same force and effect and shall become final and may be altered, modified or set aside in the same manner and within the same time provided by statute for other orders; and that the agreement shall not become a part of the official record of the proceeding unless and until it is accepted by the Commission. In addition, the agreement may contain a statement that the signing thereof is for settlement purposes only and does not constitute an admission by any respondent that the law has been violated as alleged in the complaint.

§ 3.4 Disposition.

(a) *Submission of agreement.* Unless for good cause shown the time is extended by the Commission, an executed agreement containing a consent order shall be submitted to the Commission within thirty days after the date on which the files are referred to the Office of Consent Orders. If an agreement is not so submitted, or if at any time it appears to the Office of Consent Orders that the execution of a satisfactory agreement is unlikely, the files shall be returned to the Commission and the complaint will be issued and served forthwith. After a complaint is issued, the consent order procedure will not be available.

(b) *Decision.* Upon receiving an agreement containing a consent order, the Commission may accept it and issue its complaint, in such form as the circumstances require, and decision, including the order agreed upon, or reject it and issue its complaint and set the matter down for adjudication in regular course. Alternatively, the Commission may take such other action as may be appropriate.

PART 4—RULES OF PRACTICE FOR ADJUDICATIVE PROCEEDINGS

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

Sec.

- 4.1 Scope of the rules in this part.
- 4.2 Nature of adjudicative proceedings.

Subpart B—Complaint, Answer, Default, and Motions

- 4.3 Commencement of proceeding.
- 4.4 Complaint.
- 4.5 Answer.
- 4.6 Motions.

Subpart C—Amendments and Supplemental Pleadings; Prehearing Procedure; Voluntary Intervention

- 4.7 Amendments and supplemental proceedings.
- 4.8 Pre-hearing conferences.
- 4.9 Voluntary intervention.

Subpart D—Depositions; Admissions; Evidence

- 4.10 Depositions.
- 4.11 Admissions as to facts and documents.
- 4.12 Evidence.

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AUTHORITY: §§ 4.1 to 4.29 issued under sec. 6, 38 Stat. 721; 15 U.S.C. 46.

Subpart A—Scope of Rules; Nature of Adjudicative Proceedings

§ 4.1 Scope of the rules in this part.

The rules in this part govern procedure in adjudicative proceedings before the Federal Trade Commission. It is the policy of the Commission that, to the extent practicable and consistent with requirements of law, such proceedings shall be conducted expeditiously. The hearing examiner and counsel for all parties shall be governed at all times by this policy, and every effort shall be made at each stage of a proceeding to avoid delay.

§ 4.2 Nature of adjudicative proceedings.

Adjudicative proceedings are those formal proceedings conducted under one or more of the statutes administered by the Commission which are required by statute to be determined on the record after opportunity for an agency hearing. The term does not include other administrative proceedings such as negotiations of agreements containing con-

sent orders; investigational hearings held prior to the commencement of formal proceedings or for the purpose of inquiring into the manner and extent of compliance with outstanding orders; trade practice conferences; proceedings for fixing quantity limits under section 2(a) of the Clayton Act (15 U.S.C. 13(a)); investigations under section 5 of the Export Trade Act (15 U.S.C. 65); or the promulgation of substantive rules and regulations, determinations of classes of products exempted from statutory requirements, the establishment of name guides, or inspections and industry counseling, under sections 4(d) and 6(a) of the Wool Products Labeling Act (15 U.S.C. 68(b) and 68(d)), sections 7, 8(b) and 8(c) of the Fur Products Labeling Act (15 U.S.C. 69(e) and 69(f)), sections 5(c) and 5(d) of the Flammable Fabrics Act (15 U.S.C. 1194), and sections 7(c), 7(d) and 12(b) of the Textile Fiber Products Identification Act (15 U.S.C. 70).

Subpart B—Complaint, Answer, Default, and Motions

§ 4.3 Commencement of proceeding.

An adjudicative proceeding is commenced by the issuance and service of a complaint by the Commission.

§ 4.4 Complaint.

(a) *Form.* The Commission's complaint shall contain the following:

(1) Recital of the legal authority and jurisdiction for institution of the proceeding, with specific designation of the statutory provisions alleged to have been violated;

(2) A clear and concise factual statement sufficient to inform each respondent with reasonable definiteness of the type of acts or practices alleged to be in violation of the law;

(3) Where practical, a form of order which the Commission has reason to believe should issue if the facts are found to be as alleged in the complaint;

(4) Notice of the time and place for hearing, the time to be at least thirty days after service of the complaint.

(b) *Motion for more definite statement.* If the statement in a complaint is so vague or ambiguous that a party cannot reasonably frame a responsive answer, the respondent may move for a more definite statement before filing its answer. Such a motion shall be filed within fifteen days after service of the complaint and shall point out the defects complained of and the details desired.

§ 4.5 Answer.

(a) *Time for filing.* A respondent shall have thirty days after service of the complaint within which to file an answer thereto: *Provided, however,* That the filing of a motion for a more definite statement alters this period of time as follows, unless a different time is fixed by the hearing examiner: (1) If the motion is denied, the answer shall be filed within ten days after notice of such action; (2) if the motion is granted, in whole or in part, the answer shall be filed within ten days after service of the more definite statement.

(b) *Content of answer.* An answer shall conform to the following:

(1) *Contesting allegations of complaint.* Such answer shall contain:

(i) A concise statement of the facts constituting the ground of defense;

(ii) Specific admission, denial, or explanation of each fact alleged in the complaint or, if the respondent is without knowledge thereof, a statement to that effect.

(2) *Admitting allegations of complaint.* If the respondent elects not to contest the allegations of fact set forth in the complaint, the answer shall consist of a statement that respondent admits all material allegations to be true. Such an answer shall constitute a waiver of hearings as to facts so alleged, and an initial decision containing appropriate findings and conclusions and an appropriate order disposing of the proceeding shall be issued by the hearing examiner. In such answer, the respondent may, however, reserve the right to submit proposed findings and conclusions and the right to petition for review under § 4.20.

(c) *Default.* Failure of the respondent to file answer within the time provided shall be deemed to constitute a waiver of its right to appear and to authorize the hearing examiner, without further notice to respondent, to find the facts to be as alleged in the complaint and to enter an initial decision containing such findings, appropriate conclusions and order.

§ 4.6 Motions.

(a) *Presentation and disposition.* During the time a proceeding is before a hearing examiner, all motions therein, except as provided in § 4.13(f), shall be addressed to and ruled upon by him, and, if in writing, shall be filed with the Secretary of the Commission. All motions addressed to the Commission shall be in writing and shall be filed with the Secretary of the Commission.

(b) *Content.* All written motions shall state the particular order, ruling, or action desired and the grounds therefor.

(c) *Answers.* Within ten days after service of any written motion, or within such longer or shorter time as may be designated by the hearing examiner or the Commission, the opposing party shall answer or be taken to have consented to the granting of the relief asked for in the motion. The moving party shall have no right to reply, except as permitted by the hearing examiner or the Commission.

(d) *Motions for extensions.* As a matter of discretion, the hearing examiner or the Commission may waive the requirements of this section as to motions for extensions of time, and may rule upon such requests ex parte.

(e) *Rulings on motions for dismissal.* When a motion to dismiss a complaint or for other relief is granted with the result that the proceeding before the hearing examiner is terminated, the hearing examiner shall make and file an initial decision in accordance with the provisions of § 4.19. If such a motion is granted as to all charges of the complaint

in regard to some, but not all, of the respondents, or is granted as to any part of the charges in regard to any or all of the respondents, the hearing examiner shall enter his ruling on the record and take it into account in his initial decision. When a motion to dismiss is made at the close of the evidence offered in support of the complaint based upon the alleged failure to establish a prima facie case, the hearing examiner may, if he so elects, defer ruling thereon until the close of the case for the reception of evidence.

Subpart C—Amendments and Supplemental Pleadings; Prehearing Procedure; Voluntary Intervention

§ 4.7 Amendments and supplemental pleadings.

(a) *Amendments.*—(1) *By leave.* If and whenever determination of a controversy on the merits will be facilitated thereby, the hearing examiner may, upon such conditions as are necessary to avoid prejudicing the public interest and the rights of the parties, allow appropriate amendments to pleadings: *Provided, however,* That an application for amendment of a complaint may be allowed only if the amendment is reasonably within the scope of the proceeding initiated by the original complaint.

(2) *Conformance to evidence.* When issues not raised by the pleadings, but reasonably within the scope of the proceeding initiated by the original complaint, are tried by express or implied consent of the parties, they shall be treated in all respects as if they had been raised in the pleadings; and such amendments of the pleadings as may be necessary to make them conform to the evidence and to raise such issues shall be allowed at any time.

(b) *Supplemental pleadings.* The hearing examiner may, upon reasonable notice and such terms as are just, permit service of a supplemental pleading setting forth transactions, occurrences, or events which have happened since the date of the pleading sought to be supplemented and which are relevant to any of the issues involved.

§ 4.8 Pre-hearing conferences.

(a) The hearing examiner upon motion of any party or upon his own motion may, and, in every case where it appears probable that the hearing will extend for more than three days he shall, direct counsel for all parties to meet with him for a conference to consider:

(1) Simplification and clarification of the issues;

(2) Necessity or desirability of amendments to pleadings, subject, however, to the provisions of § 4.7(a)(1);

(3) Stipulations, admissions of fact and of the contents and authenticity of documents;

(4) Expedition in the presentation of evidence, including, but not limited to, restriction of the number of expert, economic or technical witnesses; and

(5) Such other matters as may aid in the orderly disposition of the proceeding, including disclosure of the names of witnesses or furnishing for inspection or

copying of non-privileged documents, papers, books or other physical exhibits, which constitute or contain evidence relevant to the subject matter involved and which are in the possession, custody or control of any party to the proceeding.

(b) Pre-hearing conferences, in the discretion of the hearing examiner, may be stenographically reported as provided in § 4.14(f), but shall not be public unless all parties so agree.

(c) The hearing examiner shall enter in the record an order which recites the action taken, the amendments allowed and the agreements made at the conference; and such order shall control the subsequent course of the proceeding, unless modified at the hearing to prevent manifest injustice. If counsel for any party after proper direction fails or refuses to disclose the names of witnesses or to make available for inspection or copying non-privileged documents, papers, books or other physical exhibits, the hearing examiner, in his discretion, may also enter in the record an order providing, as appropriate:

(1) That the testimony of the witnesses whose names are not disclosed or the documents, papers, books or other physical exhibits which are not made available for inspection or copying in accordance with the direction shall not be introduced in evidence; or

(2) That counsel who fails or refuses to comply with the hearing examiner's direction in respect of any of the foregoing shall be suspended or barred from participation in the proceeding in accordance with the provisions of § 4.23(e).

§ 4.9 Voluntary intervention.

(a) Any individual, partnership, unincorporated association, or corporation desiring to intervene in an adjudicative proceeding shall make written application in the form of a motion setting forth the basis therefor. Such application shall have attached to it a certificate showing service thereof upon each party to the proceeding in accordance with the provisions of § 4.26(b). A similar certificate shall be attached to the answer filed by any party, other than counsel in support of the complaint, showing service of such answer upon the applicant.

(b) The hearing examiner or the Commission may by order permit the intervention to such extent and upon such terms as are provided by law or as otherwise may be deemed proper.

Subpart D—Depositions; Admissions; Evidence

§ 4.10 Depositions.

(a) *When, how and by whom taken.* Good cause being shown, the testimony of any witness may be taken by deposition in any proceeding, whether at issue or not. Depositions may be taken orally or upon written interrogatories before any person designated by the Commission or the hearing examiner and having power to administer oaths.

(b) *Application.* Any party desiring to take the deposition of a witness shall make application in writing to the hearing examiner, setting forth the reasons why such deposition should be taken;

the time when, the place where, and the name and post office address of the person before whom the deposition is to be taken; the name and post office address of each witness; and the subject matter concerning which each witness is expected to testify.

(c) *Notice.* Such notice as the hearing examiner may order shall be given of the taking of a deposition, but this shall not be less than five days' written notice of the taking of a deposition within the United States, and not less than fifteen days' written notice when the deposition is to be taken elsewhere.

(d) *Taking and reception in evidence.* Each witness testifying upon deposition shall be duly sworn, and the adverse party shall have the right to cross-examine. The questions propounded and the answers thereto, together with all objections made, shall be reduced to writing and, in the presence of the officer before whom the deposition is taken, read to the witness, subscribed by him, and certified in the usual form by the officer. Thereafter, the officer shall forward the deposition, with three copies thereof, in an envelope under seal, endorsed with the title of the proceeding, to the hearing examiner, and, subject to appropriate rulings on such objections to the questions and answers as were noted at the time of taking the deposition or as would be valid were the witness personally present and testifying, such deposition may be read in evidence by the party taking it as against any party who was present or represented at the taking of the deposition or who had due notice thereof.

§ 4.11 Admissions as to facts and documents.

(a) At any time after answer has been filed, any party may serve upon any other party a written request for the admission of the genuineness of any relevant documents described in the request, or the admission of the truth of any relevant matters of fact set forth in such documents. Copies of the documents shall be delivered with the request unless copies have already been furnished.

(b) Each requested admission shall be deemed made unless, within a period designated by the hearing examiner, not less than ten days after service thereof, or within such further time as the hearing examiner may allow, the party so served serves upon the party making the request either (1) a sworn statement denying specifically the relevant matters of which an admission is requested or setting forth in detail the reasons why he can neither truthfully admit nor deny them, or (2) written objections on the ground that some or all of the matters involved are privileged or irrelevant or that the request is otherwise improper in whole or in part, together with a copy of a request to the hearing examiner for a hearing on the objections at the earliest practicable time. Answers on matters to which such objections are made may be deferred until the objections are determined, but if written objections are made to only a part of a request, the remainder of the request shall be answered within the period designated.

(c) Admissions obtained pursuant to this procedure may be used in evidence to the same extent and subject to the same objections as other admissions.

§ 4.12 Evidence.

(a) *Burden of proof.* Counsel supporting the complaint shall have the burden of proof, but the proponent of any factual proposition shall be required to sustain the burden of proof with reference thereto.

(b) *Admissibility.* Relevant, material, and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable, and unduly repetitious evidence shall be excluded. Immaterial or irrelevant parts of an admissible document shall be segregated and excluded so far as practicable.

(c) *Official notice of facts.* When any decision of a hearing examiner or of the Commission rests, in whole or in part, upon the taking of official notice of a material fact not appearing in evidence of record, opportunity to disprove such noticed fact shall be granted any party making timely motion therefor.

(d) *Objections.* Objections to evidence shall timely and briefly state the grounds relied upon, but the transcript shall not include argument or debate thereon except as ordered by the presiding official. Rulings on all objections shall appear in the record.

(e) *Exceptions.* Formal exception to an adverse ruling is not required.

(f) *Record of excluded evidence.* When an objection to a question propounded to a witness is sustained, the examining attorney may make a specific offer of what he expects to prove by the answer of the witness, or the hearing examiner upon request shall receive and report the evidence in full, unless it clearly appears that the evidence is not admissible on any ground or that the witness is privileged. Similarly, rejected exhibits, adequately marked for identification, shall be retained in the record so as to be available for consideration by any reviewing authority.

Subpart E—Hearings

§ 4.13 Presiding officials.

(a) *Who presides.* All hearings in adjudicative proceedings shall be presided over by a duly qualified hearing examiner or by the Commission or one or more members of the Commission sitting as hearing examiner; and the term "hearing examiner" as used in this part means and applies to such members when so sitting.

(b) *How assigned.* The presiding hearing examiner shall be designated by the Director of Hearing Examiners, who shall notify the parties of the hearing examiner designated.

(c) *Powers and duties.* Hearing examiners shall have the duty to conduct fair and impartial hearings, to take all necessary action to avoid delay in the disposition of proceedings, and to maintain order. They shall have all powers necessary to that end, including the following:

(1) To administer oaths and affirmations;

(2) To issue subpoenas;

(3) To rule upon offers of proof and receive evidence;

(4) To take or cause depositions to be taken and to determine their scope;

(5) To regulate the course of the hearings and the conduct of the parties and their counsel therein;

(6) To hold conferences for settlement, simplification of the issues, or any other proper purpose;

(7) To consider and rule upon, as justice may require, all procedural and other motions appropriate in an adversary proceeding, including motions to open defaults;

(8) To make and file initial decisions;

(9) To certify questions to the Commission for its determination; and

(10) To take any action authorized by these rules or in conformance with the provisions of the Administrative Procedure Act (5 U.S.C. 1001 to 1011).

(d) *Substitution of hearing examiner.* In the event of substitution of a new hearing examiner for the one originally designated, any motion predicated upon such substitution shall be made within five days thereafter.

(e) *Interference.* In the performance of their adjudicative functions, hearing examiners shall not be responsible to, nor subject to the supervision or direction of, any officer, employee, or agent engaged in the performance of investigative or prosecuting functions for the Commission, and all directions by the Commission to hearing examiners concerning any adjudicative proceeding shall appear in and be made a part of the record.

(f) *Disqualification of hearing examiners.* (1) When a hearing examiner deems himself disqualified to preside in a particular proceeding, he shall withdraw therefrom by notice on the record and shall notify the Director of Hearing Examiners of such withdrawal.

(2) Whenever any party shall deem the hearing examiner for any reason to be disqualified to preside, or to continue to preside, in a particular proceeding, that party shall file with the Commission a motion to disqualify and remove such hearing examiner, such motion to be supported by affidavits setting forth the alleged grounds for disqualification. Copy of such motion shall be served by the Commission on the hearing examiner whose removal is therein sought, who shall have ten days from such service within which to reply thereto. If the hearing examiner does not disqualify himself within ten days, then the Commission shall promptly determine the validity of the grounds alleged, either directly or on the report of another hearing examiner appointed to conduct a hearing for that purpose.

§ 4.14 Hearings; transcripts.

(a) *Public hearings.* All hearings in adjudicative proceedings shall be public unless otherwise ordered by the Commission.

(b) *Rights of parties.* Every party, except intervenors, shall have the right of due notice, cross-examination, presentation of evidence, objection, motion, argument, and all other rights essential to a fair hearing.

(c) *Adverse witnesses.* An adverse party, or an officer, agent, or employee thereof, and any witness who appears to be hostile, unwilling, or evasive, may be interrogated by leading questions and may also be contradicted and impeached by the party calling him.

(d) *Expedition.* Hearings shall proceed with all reasonable expedition. Unless the Commission otherwise orders upon a certificate of necessity therefor by the hearing examiner, all hearings will be held at one place and will continue without suspension until concluded. (This shall not bar overnight, weekend, or holiday recesses, or other brief intervals of the sort normally involved in judicial proceedings.)

(e) *Notice.* Not less than ten days' notice of the time and place of any hearing shall be given, and in setting such hearings due regard shall be had for the public interest and the convenience and necessity of all parties, witnesses, and counsel.

(f) *Transcripts.* Hearings shall be stenographically reported and transcribed by the official reporter of the Commission under the supervision of the hearing examiner, and the original transcript shall be a part of the record and the sole official transcript. Copies of transcripts are available to respondents and to the public from the reporter at rates not to exceed the maximum rates fixed by contract between the Commission and the reporter.

(g) *Corrections of the transcript.* Corrections of the official transcript may be made only when they involve errors affecting substance and then only in the manner herein provided: Corrections ordered by the hearing examiner or agreed to in a written stipulation signed by all counsel, and approved by the hearing examiner shall be included in the record, and such stipulations, except to the extent they are capricious or without substance, shall be approved by the hearing examiner. Corrections shall not be ordered by the hearing examiner except upon notice and opportunity for the hearing of objections. Corrections so ordered or approved shall be incorporated in the record as an appendix and when so incorporated the Secretary of the Commission shall make or cause to be made the necessary physical corrections in the official transcript so that it will incorporate the changes agreed upon or ordered. In making such physical corrections, there shall be no substitution of pages, but, to the extent practicable, such corrections shall be made by running a line through the matter to be changed, but without obliteration, and writing the matter as changed immediately above. Where the correction consists of an insertion, it shall be added, by rider or interlineation, as near as may be to the text which is intended to precede and follow it.

§ 4.15 Subpoenas.

(a) *Subpoenas ad testificandum.* Application for issuance of a subpoena requiring a witness to appear and testify before a designated hearing examiner at a specified place and time may be

made to the hearing examiner, or to the Commission.

(b) *Subpoenas duces tecum.* Application for issuance of a subpoena requiring a witness to appear before a designated hearing examiner at a specified time and place and produce specified documents shall be made in writing to the hearing examiner or to the Commission, and shall specify as exactly as possible the documents to be produced, showing their general relevancy and reasonable scope. Any motion to limit or quash such subpoena shall be filed within ten days after date of service of the subpoena.

(c) *Service.* A subpoena shall be served as provided in § 4.26(a).

(d) *Appeal.* An appeal to the Commission from the hearing examiner's ruling granting or denying a motion to issue, limit or quash any subpoena will be entertained by the Commission only upon a showing that the ruling complained of involves substantial rights and will materially affect the final decision and that a determination of its correctness before conclusion of the hearing will better serve the interests of justice.

§ 4.16 Witnesses and fees.

(a) Witnesses at formal hearings shall be examined orally. Witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of the United States.

(b) Witnesses whose depositions are taken, and the persons taking such depositions, shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(c) Witness fees and mileage, and fees for depositions, shall be paid by the party at whose instance witnesses appear.

§ 4.17 Proposed findings, conclusions, and order.

At the close of the reception of evidence in an adjudicative proceeding, or within a reasonable time thereafter fixed by the hearing examiner, any party may file with the Secretary for consideration of the hearing examiner proposed findings of fact, conclusions of law, and order, together with reasons therefor and briefs in support thereof. Such proposals shall be in writing, shall be served upon all parties, and shall contain adequate references to the record and authorities relied on. The record shall show the hearing examiner's ruling on each proposed finding and conclusion, except when his order disposing of the proceeding otherwise informs the parties of the action taken by him thereon.

§ 4.18 Interlocutory appeals.

(a) Except as provided in § 4.15(d) and § 4.23(e), interlocutory appeals from rulings of a hearing examiner may be filed only after permission is first obtained from the Commission. Any request for such permission shall be in writing, not to exceed ten pages in length, and shall be filed within five days after notice of the ruling complained of. No such permission will be granted unless it be shown to the satisfaction of the Commission (1) that the

ruling involves a novel and substantial question of law which is not controlled by prior decisions of the Commission or the courts, and (2) that a determination of such question could properly be made by the Commission without reference to evidentiary or other matters of record in the proceeding, and (3) that an immediate determination by the Commission may materially advance the ultimate termination of the proceeding and would be in furtherance of the Commission's policy to prevent unnecessary delay.

(b) Interlocutory appeals shall be in the form of a brief, not to exceed thirty pages in length, and shall be filed within five days after notice of the ruling complained of, in the case of appeals under § 4.15(d) or § 4.23(e), or within five days after notice of permission to file, in the case of appeals under § 4.18. Answer thereto may be filed within five days after service of the appeal brief. The appeal shall not operate to suspend the hearing unless otherwise ordered by the hearing examiner or the Commission.

Subpart F—Decision and Order

§ 4.19 Initial decision.

(a) *When filed and when effective.* Within ninety days after completion of the reception of evidence in a proceeding, or within such further time as the Commission may allow on the hearing examiner's written request, the hearing examiner shall file an initial decision which shall become the decision of the Commission thirty days after service thereof upon the parties, unless (1) within fifteen days after service of such initial decision a petition for review thereof shall be filed, or (2) within fifteen days after expiration of such fifteen-day period the Commission issues an order placing the case on its own docket for review. A copy of the initial decision shall be served upon each counsel or other representative who has appeared in the proceeding pursuant to § 4.23.

(b) *Content.* An initial decision shall include a statement of (1) findings and conclusions, with the reasons or basis therefor, upon all the material issues of fact, law, or discretion presented on the record, and (2) an appropriate order. Initial decisions shall be based upon a consideration of the whole record and supported by reliable, probative and substantial evidence.

(c) *By whom made.* The initial decision in an adjudicative proceeding shall be made and filed by the hearing examiner who presided therein, except when he shall have become unavailable to the Commission.

(d) *Reopening; termination of hearing examiner's jurisdiction.* (1) At any time prior to the filing of his initial decision, a hearing examiner may reopen the proceeding for the reception of further evidence.

(2) Except for the correction of clerical errors, the jurisdiction of the hearing examiner is terminated upon the filing of his initial decision, unless and until the proceeding is remanded to him by the Commission.

§ 4.20 Petition for review.

(a) *Who may file.* Any party to a proceeding may file a petition for review within the time prescribed by § 4.19.

(b) *Content.* The petition for review shall concisely and plainly state (1) the questions presented for review, (2) the facts in abbreviated form, and (3) the reasons why review by the Commission is deemed to be in the public interest. Such petition shall not exceed ten pages in length.

(c) *Answer.* Within ten days after service upon the opposing party of a petition for review, such party may file in opposition thereto an answer of not exceeding ten pages.

(d) *Disposition.* A petition for review will be granted where, on examination of the record, the petition for review, and the answer, the Commission finds that the questions presented are substantial and that determination thereof by the Commission is necessary or appropriate under the law to insure a just and proper disposition of the proceeding and to protect the rights of all parties. If the petition for review is denied, the initial decision of the hearing examiner shall thereupon become the decision of the Commission. No petition for review will be denied by the Commission where, in the opinion of two or more of its members, it should be granted.

§ 4.21 Commission review.

(a) Within thirty days after service of the Commission's order granting the petition for review, the petitioner may file exceptions to the initial decision and a brief in support thereof.

(b) *Exceptions.* Each exception (1) shall relate only to substantive or procedural matters presented on the record, limited to the questions stated in the petition for review; (2) shall identify the part of the initial decision to which objection is made; (3) shall specify the portions of the record relied upon; and (4) shall state the grounds for the exception, including the citation of authorities in support thereof. Any objection to a ruling, finding, or conclusion which is not made a part of the exceptions shall be deemed to have been waived. Any exception which fails to present with accuracy, brevity and clearness whatever is essential to a ready and adequate understanding of the points requiring consideration may be disregarded.

(c) *Brief.* The brief in support of the exceptions shall contain, in the order indicated, the following:

(1) A subject index of the matter in the brief, with page references, and a table of cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto;

(2) A concise statement of the case containing all that is material to the consideration of the questions presented;

(3) A specification of the assigned errors as are intended to be urged; and

(4) The argument presenting clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and the legal or other material relied upon.

Material not included in the exceptions or brief may not be presented to the Commission in oral argument or otherwise.

(d) *Answering brief.* Within thirty days after service of the brief upon the opposing party, such party may file an answering brief which shall also contain a subject index, with page references, and a table of cases (alphabetically arranged), text books, statutes, and other material cited, with page references thereto. It shall be limited to the questions raised in the brief in support of the exceptions and shall present clearly the points of fact and law relied upon in support of the position taken on each question, with specific page references to the transcript and legal or other material relied upon.

(e) *Reply brief.* Reply briefs, not in excess of ten pages and limited to rebuttal of matter in an answering brief, will be received if filed and served within seven days after receipt of the answering brief or the day preceding the oral argument, whichever comes first. No answer to a reply brief will be permitted.

(f) *Length of briefs.* No brief in excess of sixty pages, including any appendices, shall be filed without leave of the Commission.

(g) *Oral argument.* Oral arguments will be held in cases in which the Commission grants review, unless it otherwise orders (1) upon request of any party made at the time of filing its brief, or (2) upon the Commission's own motion. Oral arguments before the Commission shall be reported stenographically unless otherwise ordered by the Commission.

§ 4.22 Decision on review.

(a) Upon review of an initial decision, the Commission will consider such parts of the record as are cited or as may be necessary to resolve the issues presented; and in addition will, to the extent necessary or desirable, exercise all the powers which it could have exercised if it had made the initial decision.

(b) In rendering its decision, the Commission will adopt, modify, or set aside the findings, conclusions and order contained in the initial decision, and will include in the decision a statement of the reasons for basis for its action.

Subpart G—Miscellaneous

§ 4.23 Appearances.

(a) *Qualifications.* (1) Members of the bar of a Federal court or of the highest court of any State or Territory of the United States may practice before the Commission.

(2) Any individual or member of a partnership named respondent in any proceeding before the Commission may appear on behalf of himself or of such partnership upon adequate identification. A respondent corporation or association may be represented by a bona fide officer thereof upon a showing of adequate authorization.

(b) *Restrictions as to former members and employees.* No former member or employee of the Commission, and no partner, employer, employee or business

associate of such former member or employee, shall appear as attorney or counsel in any proceeding which was pending in any manner or form in the Commission while such former member or employee was employed on or by the Commission, unless and until the Commission determines, upon the written statement of the former member or employee and a statement from the Secretary of the Commission, that the files of the proceeding did not come to the personal attention of such former member or employee during his employment on or by the Commission, and that he did not participate personally and substantially in the proceeding. For the purposes of this section, a former member of the Commission will be conclusively presumed to have personally and substantially participated in any proceeding, the files of which were sent to his office at any time for action of any kind.

(c) *Notice of appearance.* Any attorney desiring to appear before the Commission or a hearing examiner thereof, on behalf of a respondent in a particular proceeding, shall file with the Secretary of the Commission a written notice of such appearance, which shall contain a statement of such attorney's eligibility as provided in this rule. No other application shall be required for admission to practice, and no register of attorneys shall be maintained.

(d) *Standards of conduct.* All counsel practicing before the Commission shall conform to the standards of ethical conduct required of practitioners in the courts of the United States and by the bars of which they are members.

(e) *Suspension or disbarment of attorneys.* (1) The hearing examiner shall have the authority, for good cause stated on the record, to suspend or bar, from participation in a particular proceeding, any attorney who shall refuse to comply with his directions, or who shall be guilty of disorderly conduct, dilatory tactics, or contemptuous language in the course of such proceedings. Any attorney so suspended or barred shall have the right to appeal to the Commission from such action of the hearing examiner, whereupon the Commission will review the action of the hearing examiner and take such action as it deems warranted by the circumstances.

(2) The Commission, for good cause shown, may issue an order requiring any alleged offender to show cause why he should not be suspended or disbarred from practice before the Commission. Such alleged offender shall be granted due opportunity to be heard in his own defense. Thereafter, if warranted by the facts, the Commission will issue against such offender an order of reprimand, suspension or disbarment.

§ 4.24 Requirements as to form and filing of documents other than correspondence.

(a) *Filing.* All documents in proceedings before the Commission shall be addressed to and filed with the Secretary of the Commission.

(b) *Title.* Documents shall clearly show the docket number and title of the proceeding.

(c) *Copies.* Twenty copies shall be filed of a petition for review and of all briefs; ten copies of all other documents shall be filed with the exception of reports of compliance under § 4.28, in which case only two copies need be filed, and notices of appearances under § 4.23, in which case only one copy need be filed.

(d) *Form.* (1) Documents, other than briefs filed with the Commission on petitions for review, shall be printed, typewritten or otherwise processed in permanent form and on good unglazed paper. The paper must not be less than eight (8) inches nor more than eight and one-half (8½) inches by not less than ten and one-half (10½) inches nor more than eleven (11) inches. The left margin must be one and one-half (1½) inches and the right margin one (1) inch. Documents must be bound on the left side. If printed, the type shall be not less than ten (10) point adequately leaded.

(2) Briefs before the Commission on review shall be printed on good unglazed paper seven (7) inches by ten (10) inches. The type shall not be less than ten (10) point adequately leaded. Citations and quotations shall not be less than ten (10) point single leaded and footnotes shall not be less than eight (8) point single leaded. The printed line shall not exceed four and three-quarter (4¾) inches in length.

(e) *Signature.* (1) One copy of each document filed shall be signed by an attorney of record for the party, or, in the case of respondents not represented by counsel, by the respondent himself, or by a partner if a partnership, or by an officer of respondent if it is a corporation or an unincorporated association.

(2) Signing a document constitutes a representation by the signer that he has read it, that to the best of his knowledge, information, and belief, the statements made in it are true, and that it is not interposed for delay. If a document is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the proceeding may go forward as though the document had not been filed.

§ 4.25 Time.

(a) *Computation.* Computation of any period of time prescribed or allowed by these rules, by order of the Commission or a hearing examiner, or by any applicable statute, shall begin with the first business day following that on which the act, event or development initiating such period of time shall have occurred. When the last day of the period so computed is a Saturday, Sunday, or national holiday, or other day on which the office of the Commission is closed, the period shall run until the end of the next following business day. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, is less than seven days, each of the Saturdays, Sun-

days and such holidays shall be excluded from the computation. When such period of time, with the intervening Saturdays, Sundays and national holidays counted, exceeds seven days, each of the Saturdays, Sundays, and such holidays shall be included in the computation.

(b) *Extensions.* For good cause shown, the hearing examiner may, in any proceeding before him, extend any time limit prescribed or allowed by these rules or by order of the Commission or the hearing examiner, except those governing interlocutory appeals and initial decisions and those expressly requiring Commission action. Except as otherwise provided by law, the Commission, for good cause shown, may extend any time limit prescribed by these rules or by order of the Commission or a hearing examiner; provided, however, that in a proceeding pending before a hearing examiner, the application shall first be made to him. Applications for extensions of time shall be made by motion.

§ 4.26 Service.

(a) *By the Commission.* (1) Service of complaints, orders and other processes of the Commission may be effected as follows:

(i) *By registered mail.* A copy of the document shall be addressed to the person, partnership, corporation or unincorporated association to be served at his or its residence or principal office or place of business, registered, and mailed; or

(ii) *By delivery to an individual.* A copy thereof may be delivered to the person to be served, or to a member of the partnership to be served, or to the president, secretary, or other executive officer or a director of the corporation or unincorporated association to be served; or

(iii) *By delivery to an address.* A copy thereof may be left at the principal office or place of business of the person, partnership, corporation or unincorporated association, or it may be left at the residence of the person or of a member of the partnership or of an executive officer or director of the corporation or unincorporated association to be served.

(2) Documents other than complaints, orders and other processes of the Commission, the service of which starts the running of prescribed periods of time provided or allowed by any of the rules in this part or by any order of the Commission or a hearing examiner for the performance of some act or the occurrence of some event or development, shall be served in the same manner as complaints, orders and other processes of the Commission, or by certified mail.

(3) All other documents may be similarly served, or they may be served by ordinary first-class mail.

(b) *By other parties.* Service of documents by parties other than the Commission shall be by delivering copies thereof as follows: Upon the Commission, by personal delivery or delivery by first-class mail to the office of the Secretary of the Commission; upon any other party, by delivery to the party. If the party is an individual or partnership,

delivery shall be to such individual or a member of the partnership; if a corporation or unincorporated association, to an officer or agent authorized to accept service of process therefor. Delivery to a party or other than the Commission means handing to the individual, partner, officer, or agent; leaving at his office with a person in charge thereof, or, if there is no one in charge or if the office is closed or if he has no office, leaving at his dwelling house or usual place of abode with some person of suitable age and discretion then residing therein; or sending by mail.

(c) *Proof of service.* (1) When service is by mail, registered or ordinary first-class, it is complete upon delivery of the document by the post office.

(2) When a party has appeared in a proceeding by a partner, officer, or attorney, service upon such partner, officer, or attorney of any document other than a complaint, order or other process of the Commission shall be deemed service upon the party.

(3) The return post office receipt for a document registered and mailed, or the verified return or certificate by the person serving the document by personal delivery or ordinary mail, setting forth the manner of said service, shall be proof of the service of the document.

§ 4.27 Ex parte communication.

(a) In an adjudicative proceeding, no employee or agent of the Commission who performs any investigative or prosecuting function in connection with the proceeding and no party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, shall communicate ex parte, directly or indirectly, with any member of the Commission, or the hearing examiner, or any employee involved in the decisional process in such proceeding, with respect to the merits of that or a factually related proceeding.

(b) In an adjudicative proceeding, no member of the Commission, hearing examiner or employee involved in the decisional process of such proceeding, shall communicate ex parte, directly or indirectly, with any employee or agent of the Commission who performs any investigative or prosecuting function in connection with the proceeding, or with any party respondent in the proceeding, or agent, or counsel, or anyone acting on behalf of a party respondent, with respect to the merits of that or a factually related proceeding.

(c) In an adjudicative proceeding, if any ex parte communication is made to or by any member of the Commission, the hearing examiner, or employee involved in the decisional process, in violation of paragraph (a) or (b) of this section, such member, hearing examiner or employee, as the case may be, shall promptly inform the Commission of the substance of such communication and the circumstances thereof.

(d) A request for information with respect to the status of an adjudicative proceeding shall not be deemed to be an ex parte communication prohibited by this section.

§ 4.23 Reports of compliance.

In every proceeding in which the Commission has issued an order to cease and desist, each respondent named in such order shall file with the Commission, within sixty days after service thereof, a report in writing, signed by the respondent, setting forth in detail the manner and form of his compliance with the order, and shall thereafter file with the Commission such further signed, written reports of compliance as it may require. Reports of compliance shall be under oath if so requested. Where the order prohibits the use of a false advertisement of a food, drug, device, or cosmetic, which may be injurious to health because of results from its use under the conditions prescribed in the advertisement, or under such conditions as are customary or usual, or if the use of such advertisement is with intent to defraud or mislead, an interim report stating whether and how respondents intend to comply shall be filed within ten days after service of the order. Where court review of an order of the Commission is pending, respondent shall file only such reports of compliance as the court may require. Thereafter, the time for filing report of compliance shall begin to run de novo from the final judicial determination.

§ 4.29 Reopening of proceedings.

(a) In any case where an order to cease and desist has been issued by the Commission it may, upon notice to the parties, modify or set aside, in whole or in part, its report of findings as to the facts or order in such manner as it may deem proper at any time prior to expiration of the time allowed for filing a petition for review or prior to the filing of the transcript of record in the proceeding in a United States Court of Appeals pursuant to a petition for review.

(b) In any case where an order to cease and desist issued by the Commission has become final by reason of court affirmance or expiration of the statutory period for court review without a petition for such review having been filed, the Commission may at any time after reasonable notice and opportunity for hearing as to whether changed conditions of fact or of law or the public interest so require, reopen and alter, modify or set aside, in whole or in part, its report of findings as to the facts or order therein whenever in the opinion of the Commission such action is required by said changed conditions or by the public interest.

(c) After an order dismissing a complaint has been issued, the Commission may, upon reasonable notice to the parties and opportunity for a hearing as to whether said proceeding should be reopened, issue an order reopening such proceeding whenever, in the opinion of the Commission, changed conditions of fact or of law or the public interest so require.

Promulgated as of this date in pursuance of the action of the Federal Trade Commission on June 29, 1961, effective

fifteen days after publication in the FEDERAL REGISTER.

Issued June 29, 1961.

By direction of the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6310; Filed, July 5, 1961;
8:55 a.m.]

[Docket 8236 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ben Kahn Furs Corp. et al.

Subpart—Furnishing false guaranties:
§ 13.1053 *Furnishing false guaranties:*
§ 13.1053-35 *Fur Products Labeling Act.*
Subpart—Invoicing products falsely:
§ 13.1108 *Invoicing products falsely:*
§ 13.1108-45 *Fur Products Labeling Act.*
Subpart—Neglecting, unfairly or deceptively, to make material disclosure:
§ 13.1852 *Formal regulatory and statutory requirements:* § 13.1852-35 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Ben Kahn Furs Corp. et al., New York, N.Y., Docket 8236, May 16, 1961]

In the Matter of Ben Kahn Furs Corp., a Corporation, and Ben Kahn, Bernard Marson, Ernest Graf and Theodore Kahn, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by setting forth fictitious prices on invoices; by failing in other respects to comply with invoicing and labeling requirements; and by furnishing false guaranties that certain of their furs were not misbranded, falsely invoiced, and falsely advertised.

The order to cease and desist is as follows:

It is ordered, That Ben Kahn Furs Corp., a corporation and its officers, and Ben Kahn, Bernard Marson, Ernest Graf and Theodore Kahn, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, manufacture for introduction, or the sale, advertising or offering for sale in commerce of fur products or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce, as "commerce", "fur" and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

A. Misbranding fur products by:

1. Failing to affix labels to fur products showing in words and figures plainly legible all the information required to be disclosed by each of the subsections of section 4(2) of the Fur Products Labeling Act.

2. Setting forth on labels affixed to fur products information required under

section 4(2) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder mingled with non-required information.

B. Falsely or deceptively invoicing fur products by:

1. Failing to furnish to purchasers of fur products invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

2. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

3. Representing, directly or by implication, on invoices that the former, regular or usual prices of any fur product is any amount which is in excess of the price at which respondents have formerly, usually or customarily sold such products in the recent regular course of business.

C. Furnishing a false guaranty that any fur or fur product is not misbranded, falsely invoiced, or falsely advertised when the respondents have reason to believe that such fur or fur product may be introduced, sold, transported or distributed in commerce.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6245; Filed, July 5, 1961;
8:45 a.m.]

[Docket 8217 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

California Floral Manufacturing Co. et al.

Subpart—Importing, selling, or transporting flammable wear: § 13.1060 *Importing, selling, or transporting flammable wear.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended, 67 Stat. 111, as amended; 15 U.S.C. 45, 1191) [Cease and desist order, California Floral Manufacturing Company et al., Yucaipa, Calif., Docket 8217, May 16, 1961]

In the Matter of California Floral Manufacturing Company, a Corporation, and Raymond E. Ramont, Individually, and as an Officer of Said Corporation, and Also Trading as Ramont's Floral Arts Studio

Consent order requiring distributors in Yucaipa, Calif., to cease violating the Flammable Fabrics Act by selling fabric for making leis which was so highly

flammable as to be dangerous when worn.

The order to cease and desist is as follows:

It is ordered, That respondents California Floral Manufacturing Company, a corporation, and its officers, and respondent Raymond E. Ramont, individually, and as an officer of said corporation, and trading as Ramont's Floral Arts Studio, or under any other name, and respondents' representatives, agents and employees, directly or through any corporate or other device, do forthwith cease and desist from:

1. Selling, offering for sale, introducing, delivering for introduction, transporting, or causing to be transported, in commerce, as "commerce" is defined in the Flammable Fabrics Act; or

2. Transporting or causing to be transported for the purpose of sale or delivery after sale in commerce,

any fabric, intended or sold for use in wearing apparel, which, under the provisions of section 4 of the said Flammable Fabrics Act, as amended, is so highly flammable as to be dangerous when worn by individuals.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents California Floral Manufacturing Company, a corporation, and Raymond E. Ramont, individually, and as an officer of said corporation, and trading as Ramont's Floral Arts Studio, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6246; Filed, July 5, 1961;
8:46 a.m.]

[Docket 8223 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Economy Products Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.230 *Size or weight*. Subpart—Misbranding or mislabeling: § 13.1323 *Size or weight*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Economy Products Corporation et al., Chicago, Ill., Docket 8223, May 16, 1961]

In the Matter of Economy Products Corporation, a Corporation, and Harry Wagner, Vernon M. Wagner, and Arnold W. Behrstock, Individually and as Officers of Said Corporation

Consent order requiring Chicago manufacturers to cease misrepresenting the size of their sleeping bags on attached labels and in advertisements which gave

as the "cut size", dimensions almost invariably larger than the actual size.

The order to cease and desist is as follows:

It is ordered, That the respondents Economy Products Corporation, a corporation, and its officers, and Harry Wagner, Vernon M. Wagner, and Arnold W. Behrstock, individually and as officers of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of sleeping bags or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Advertising, labeling or otherwise representing the "cut size" or dimensions of materials used in their construction, unless such representation is accompanied by a description of the finished or actual size, with the latter description being given at least equal prominence;

2. Misrepresenting the size of such products on tags, in advertising or in any other manner;

3. Furnishing any means or instrumentality to others by and through which they may mislead the public as to any of the matters referred to in Paragraphs 1 and 2.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the above-named respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6247; Filed, July 5, 1961;
8:46 a.m.]

[Docket 8247 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Interseas Fur Trading, Inc., and Max Cohen

Subpart—Invoicing products falsely: § 13.1108 *Invoicing products falsely*: § 13.1108-45 *Fur Products Labeling Act*. Subpart—Misrepresenting oneself and goods—Goods: § 13.1745 *Source or origin*: § 13.1745-70 *Place*: § 13.1745-70(c) *Imported product or parts as domestic*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Interseas Fur Trading, Inc., et al., New York, N.Y., Docket 8247, May 16, 1961]

In the Matter of Interseas Fur Trading, Inc., a Corporation, and Max Cohen, Individually and as an Officer of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur

Products Labeling Act by naming the United States falsely on invoices as the country of origin of imported furs, and by failing in other respects to comply with invoicing requirements.

The order to cease and desist is as follows:

It is ordered, That Interseas Fur Trading, Inc., a corporation, and its officers, and Max Cohen, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction, sale, advertising or offering for sale, in commerce, or the transportation or distribution in commerce, of fur as "commerce" and "fur" are defined in the Fur Products Labeling Act to forthwith cease and desist from:

1. Falsely or deceptively invoicing furs by:

A. Failing to furnish to purchasers of fur, invoices showing all the information required to be disclosed by each of the subsections of section 5(b)(1) of the Fur Products Labeling Act.

B. Setting out on invoices that furs of foreign origin are domestic.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents herein shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: May 16, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6248; Filed, July 5, 1961;
8:46 a.m.]

[Docket 8161 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Ship'n Shore, Inc., and William Netzky

Subpart—Advertising falsely or misleadingly: § 13.95 *Identity of product*: § 13.235 *Source or origin*: § 13.235-60 *Place*: § 13.235-60(c) *Foreign, in general*. Subpart—Misbranding or mislabeling: § 13.1230 *Identity*: § 13.1325 *Source or origin*: § 13.1325-70 *Place*: § 13.1325-70(c) *Foreign, in general*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Ship'n Shore, Inc., et al., Upland, Pa., Docket 8161, May 16, 1961]

In the Matter of Ship'n Shore, Inc., a Corporation, and William Netzky, Individually and as an Officer of Said Corporation

Consent order requiring manufacturers of women's and children's blouses and sportswear at Upland, Pa., to cease misrepresenting the material from which their products were made as the long-time well-known fabric produced in the Madras Province of India, by advertising

and labeling garments falsely as "madras".

The order to cease and desist is as follows:

It is ordered, That respondents Ship'n Shore, Inc., a corporation, and its officers, and William Netzky, individually and as an officer of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of blouses, sportswear, or other textile products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "madras" or any simulations thereof, either alone or in connection with other words to designate, describe, or refer to any fabric or other textile product which is not in fact made of fine cotton, handloomed and imported from India, and if the cloth is other than natural in color, has not been dyed with bleeding vegetable dyes.

2. Placing in the hands of retailers the means and instrumentalities by and through which they may deceive the purchasing public concerning merchandise in the respects set out in Paragraph 1, above.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in aforesaid initial decision as modified.

Issued: May 16, 1961.

By the Commission.

[SEAL]

JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-6249; Filed, July 5, 1961;
8:46 a.m.]

Title 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 279—FORMS PRESCRIBED UNDER THE INVESTMENT ADVISERS ACT OF 1940

Form ADV; Form ADV-SUP

Effective upon publication in the FEDERAL REGISTER, § 279.1 is amended to read as follows:

§ 279.1 Form ADV; Form ADV-SUP.

(a) *Form ADV.* Form of application for registration as an investment adviser or to amend such an application.

(b) *Form ADV-SUP.* Supplementary form to be filed as provided in § 275-204-1.

(Sec. 203(c), 54 Stat. 850, as amended, 15 U.S.C. 80b-3; Sec. 204, 54 Stat. 852, as

amended, 15 U.S.C. 80b-4; and Sec. 211(a), 54 Stat. 855, as amended, 15 U.S.C. 80b-11)

By the Commission.

ORVAL L. DUBOIS,
Secretary.

JUNE 29, 1961.

[F.R. Doc. 61-6257; Filed, July 5, 1961;
8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55413]

PART 6—AIR COMMERCE REGULATIONS

Documents Required for Entry and Clearance of Aircraft

Changes have been adopted in the format of the general declaration, customs Form 7507, so as to conform to changes approved at the fifth session of the International Civil Aviation Organization. As a result, the prescription for and description of the functions of this form as an aircraft entry and clearance document for customs purposes and of related entry and clearance records require modification.

Accordingly, the following amendments are made to Part 6 of the Customs Regulations:

1. In § 6.7, paragraphs (a) and (b) are amended to read:

§ 6.7 Documents for entry.

(a) At the time any aircraft arriving from outside the areas of the United States lands in an area in which entry is required by § 6.3 or 6.4, the aircraft commander or an authorized person shall deliver an inward general declaration on customs Form 7507, or on a form conforming thereto, and shall show thereon all of the information called for by the official form, unless any of such information is otherwise furnished as provided in this section, and shall deliver any other applicable documents as specified in this section. If an aircraft proceeds from one to another area of the United States or from one to another port in the same area carrying residue cargo or uncleared passengers, the aircraft commander or an authorized person shall deliver the documents specified in § 6.9 (c) or (d).

(b) Some of the information called for by the official form of inward general declaration may be alternatively furnished as provided herein. Some of the documents specified herein may not be required on a separate sheet or form where it is indicated that the information required on such documents may be included with information on another document or form.

(1) Crew manifest: A crew manifest shall be furnished with the general declaration except upon arrival of an aircraft directly from Canada on a flight originating there in which case merely the total number of crewmembers need be shown on the inward general declaration. The crew manifest shall be furnished by showing the full name (sur-

name, given name and middle initial) of each crewmember in the column headed "Total Number of Crew" on the inward general declaration, or by showing such names on a separate, appropriately identified document.

(2) Crew purchases: A crew purchase list shall be furnished with the general declaration. Articles entered by crewmembers not required to file crew declarations by paragraph (g) of this section shall be listed opposite the name of the crewmember on the general declaration or on a separate crew purchase list attached thereto. Any articles required by paragraph (g) of this section to be declared on Crew Declaration, customs Form 5123, need not be listed if such crew declarations are securely attached to the general declaration or attached list, and the following statement appears thereon:

Crew purchases as per attached Crew Declarations

In the case of an aircraft arriving direct from Canada on a flight which originated in that country, no crew purchase list shall be required, but any crew declarations shall be attached to the general declaration and the total number thereof shall be shown on the face of the general declaration with the figure for the total number of crew.

(3) A cargo manifest for all cargo on board shall be submitted with the general declaration. The cargo manifest shall be on customs Form 7509 except as otherwise provided in this paragraph.

(i) When Form 7509 is used, the full information called for by the official form shall be shown thereon except that the detailed information about the cargo shipped under air waybills may be furnished by securely attaching to the cargo manifest a copy of each air waybill, by listing the numbers thereof on the manifest, and by noting the statement "Cargo as per Air Waybills Attached" on the manifest.

(ii) Customs Form 5119 may be used as the cargo manifest if there is on board only cargo not exceeding \$250 in value which is to be entered on such form.

(iii) Customs Form 7523 may be used as the cargo manifest if there is on board only cargo which may be entered on that form.

(iv) No cargo manifest is required for merchandise, including baggage and stores, arriving from and departing for a foreign country on the same through flight, and although any such document on board may be inspected, except that any arms, ammunition, or implements of war on board which require a license issued by the Secretary of State shall be manifested on every arrival.

(v) On the cargo manifest or on a separate list attached thereto in which case the manifest shall bear the notation "Stores list attached," there shall be shown all alcoholic beverages, tobacco products, narcotic drugs, and bonded or foreign merchandise arriving as stores as well as all equipment of a type requiring a license as specified in subdivision (iv) of this subparagraph.

(vi) In the case of aircraft of scheduled airlines, domestic supplies and

equipment not subject to license (unless subject to a duty equal to any internal-revenue tax from which such articles were previously excepted) and any fuel need not be included in the stores list if the statement "Domestic supplies and equipment and fuel for immediate flight only, except as noted" is noted on the cargo manifest or separate stores list attached thereto.

(vii) Unaccompanied baggage arriving in the United States under a check number from any foreign country by air shall be shown on the cargo manifest in columns under the following headings:

Check No.	Description of package	Where from	Destination
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On the right of the foregoing columns two blank columns, one headed "Name of examining officer" and on the right thereof another headed "Disposition," shall be provided on the cargo manifest for use of customs officers. Unaccompanied unchecked baggage arriving as air express or freight shall be manifested as other air express or freight.

2. In § 6.8, paragraphs (a) and (b) are amended to read:

§ 6.8 Documents for clearance.

(a) At the time of departure of any aircraft from any area from which clearance is required by § 6.3 or 6.5, the aircraft commander or an authorized person shall deliver to the customs officer in charge an outward general declaration and a cargo manifest and shipper's export declarations on Commerce Form 7525-V for all cargo on the aircraft (also for the aircraft itself if it is being exported from the United States for foreign account). Shipper's export declarations and any required cargo manifest may be filed pro forma if the aircraft is departing from the United States and prior to departure a proper bond is given, in which case the completed shipper's export declarations and the completed cargo manifest are to be delivered pursuant to the bond not later than the fourth day after departure: *Provided*, That, during any period covered by a proclamation of the President that a state of war exists between foreign nations, no aircraft shall be cleared for a foreign destination until the shipper's export declarations and completed cargo manifest shall have been filed with the customs officer in charge: *And provided further*, That no aircraft shall be cleared until the completed cargo manifest and all required shipper's export declarations have been filed with the customs officer in charge if the aircraft is departing on a flight from the United States directly or indirectly to Poland (including Danzig), a country or other destination in Subgroup A as specified in the Export Regulations (15 CFR 371.3), Cuba, Hong Kong, or Macao, unless clearance is authorized by the Commissioner of Customs.

(b) The outward general declaration shall be on customs Form 7507. Any cargo manifest required with such declaration shall be on customs Form 7509. The full information required by the official forms shall be shown thereon

except as otherwise provided in this paragraph.

(1) In the case of shipments on an air waybill, a copy of each such document may be attached to the cargo manifest, the numbers of such air waybills listed in the body of the manifest, and the statement "Cargo as per Air Waybills Attached" noted on the manifest.

(2) On direct departures only, for shipments requiring a shipper's export declaration a copy of each export declaration may be attached to the cargo manifest. In such case the numbers of such declarations shall be listed on the cargo manifest in the column for air waybill numbers, and the statement "Cargo as per Export Declarations Attached" noted on the manifest.

§ 6.9 [Amendment]

3. Section 6.9(b) is amended by substituting the following for all material preceding the form headed "Permit to Proceed From One Airport to Another":

(b) When applying for clearance from the airport or place of first entry in an area of the United States, the aircraft commander or an authorized person shall present to the collector a traveling general declaration and manifest and an abstract general declaration and manifest. The traveling general declaration and manifest shall be one certified copy of the original inward general declaration and of each manifest or list required to be attached thereto at the time of entry (see § 6.7) of the aircraft. The abstract general declaration and manifest shall be one copy of a general declaration and one copy of each manifest forming a part thereof covering all foreign residue cargo not yet cleared by customs or other interested government agency and manifested or destined for discharge at other domestic or foreign ports. When crew purchases are not itemized on the crew purchase list because reference is made to "Crew declarations and entries attached," such declarations on customs Form 5123 of crewmembers who have not left the aircraft with their purchases at the port of first entry shall not be retained there but shall be attached to the traveling general declaration and manifest. Any such crew declaration shall be detached at the port where the articles covered thereby receive customs clearance. When all documents are in order a permit to proceed from one airport to another, which may be stamped, mimeographed, or printed on the abstract general declaration or on a separate sheet of paper attached thereto, shall be dated and signed by the appropriate customs officer at the airport of clearance. The documents presented by the aircraft commander or authorized person when applying for clearance shall be delivered to the aircraft commander, together with the permit to proceed, for deposit at the next international airport. The permit to proceed and a related declaration of the aircraft commander or an authorized person, to be executed on entry at the next airport, shall be substantially as follows:

4. Footnote 6 appended to § 6.9(b) is amended to read as follows:

*Includes air waybills when part of the manifest.

5. Footnote 7 is deleted.

(R.S. 161, as amended, 251, secs. 431, 624, 46 Stat. 710, as amended, 759, sec. 1109, 72 Stat. 799; 5 U.S.C. 22, 19 U.S.C. 66, 1431, 1624, 49 U.S.C. 1509.)

These amendments of the regulations are based on the use of the revised form of General Declaration and of the Cargo Manifest for aircraft, which were acceptable effective March 1, 1961. Consequently these amendments of the regulations shall take effect immediately, except that until July 1, 1961, the use of the old form of general declaration and compliance with documentary and regulatory requirements for aircraft based on such form will be acceptable.

[SEAL] PHILIP NICHOLS, JR.,
Commissioner of Customs.

Approved: JUNE 26, 1961.

A. GILMORE FLUES,
Assistant Secretary of the
Treasury.

[F.R. Doc. 61-6280; Filed, July 5, 1961;
8:51 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

SUBCHAPTER B—FOODS AND FOOD PRODUCTS

PART 121—FOOD ADDITIVES

Subpart D—Food Additives Permitted in Food for Human Consumption

PROMAZINE HYDROCHLORIDE

Correction

In F.R. Doc. 61-6168, appearing at page 5920 of the issue for Saturday, July 1, 1961: In § 121.1054, the word "edible" should be inserted immediately preceding the word "tissues".

SUBCHAPTER C—DRUGS

PART 141c—CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

PART 146c—CERTIFICATION OF CHLORTETRACYCLINE (OR TETRACYCLINE) AND CHLORTETRACYCLINE- (OR TETRACYCLINE-) CONTAINING DRUGS

Tetracycline-Amphotericin B Syrup

Under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the regulations for tests and methods of assay and certification of antibiotic and

antibiotic-containing drugs (21 CFR Parts 141c, 146c) are amended as follows:

1. Part 141c is amended by adding thereto the following new section:

§ 141c.262 Tetracycline-amphotericin B syrup.

(a) *Potency*—(1) *Tetracycline content*. Transfer an appropriate aliquot (usually from 1.0 milliliter to 5.0 milliliters) to a 100-milliliter volumetric flask and make to mark with 0.1 N HCL. Withdraw an aliquot from the volumetric flask and dilute to a concentration of 0.24 microgram per milliliter (estimated) using M/10 phosphate buffer, pH 4.5, and proceed as directed in § 141c.218(a). Its content is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(2) *Amphotericin B content*. Transfer an appropriate aliquot to a volumetric flask and make to mark with dimethyl sulfoxide. Remove an aliquot and dilute with dimethyl sulfoxide to give a concentration of 20 micrograms per milliliter (estimated). Further dilute this solution with 0.2 M phosphate buffer, pH 10.5, to give a concentration of 1.0 microgram per milliliter. Proceed as directed in § 141c.257(c). Its content of amphotericin B is satisfactory if it contains not less than 85 percent of the number of milligrams that it is represented to contain.

(b) *pH*. Using the undiluted sample proceed as directed in § 141a.5(b) of this chapter.

2. Part 146c is amended by adding thereto the following new section:

§ 146c.262 Tetracycline-amphotericin B syrup.

Tetracycline-amphotericin B syrup conforms to all requirements and procedures prescribed by § 146c.257 for tetracycline-amphotericin B for oral syrup that has been reconstituted as directed in the labeling, except § 146c.257(b), and except that:

(a) Its pH is not less than 4.0 nor more than 5.0.

(b) The expiration date of the drug shall be 12 months.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since it was drawn in collaboration with interested members of the affected industry, and since it would not be in the public interest to delay providing for the amendments covered by this order.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER. (Sec. 507, 59 Stat. 463, as amended; sec. 701, 52 Stat. 1055, as amended; 21 U.S.C. 357, 371)

Dated: June 28, 1961

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6263; Filed, July 5, 1961; 8:48 a.m.]

PART 141d—CHLORAMPHENICOL AND CHLORAMPHENICOL-CONTAINING DRUGS; TESTS AND METHODS OF ASSAY

Chloramphenicol Palmitate

Correction

In F.R. Doc. 61-6169, appearing at page 5921 of the issue for Saturday, July 1, 1961: In § 141d.305, the word "by" in the fourth sentence of paragraph (a) should be changed to read "but".

PART 146—GENERAL REGULATIONS FOR THE CERTIFICATION OF ANTIBIOTIC AND ANTIBIOTIC-CONTAINING DRUGS

Changes in Fees

Since the fee schedule to cover the cost of certification of antibiotic and antibiotic-containing drugs was adjusted in 1958, several developments have served to increase the cost of this service. These include the enactment of the Federal Employees Salary Increase Act of 1960, the Federal Employees Health Benefits Act of 1959, and a conclusion, following a recent survey of certification services by the General Accounting Office, that the value of space occupied by the antibiotics certification activities of the Food and Drug Administration should be included as an increment of the cost of providing the service. Therefore, it is necessary to revise the fee schedule to provide for these increased costs.

Accordingly, under the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec. 507 (b) (5), 59 Stat. 463 as amended; sec. 701, 52 Stat. 1055 as amended; 21 U.S.C. 357, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), the general regulations for the certification of antibiotic and antibiotic-containing drugs (21 CFR 146.8) are amended by changing the words "10 percent" in § 146.8(b) to read "30 percent". As amended, this paragraph reads as follows:

§ 146.8 Fees.

(b) The fee for such services with respect to each batch of a drug, certification of which is provided by the regulations in this chapter, including those published hereafter, is the fee prescribed in the section relating specifically to such drug plus an additional 30 percent of whatever that fee may be, except that in the case of a supplemental request submitted pursuant to the provisions of § 146.18, the fee shall be \$3.00.

Notice and public procedure are not necessary prerequisites to the promulgation of this order, and I so find, since the fees set forth are necessary to provide, equip, and maintain an adequate certification service for antibiotic and antibiotic-containing drugs.

Effective date. This order shall become effective 30 days from the date of its publication in the FEDERAL REGISTER. (Secs. 507(b) (5), 701, 52 Stat. 1055, 59 Stat. 463 as amended; 21 U.S.C. 357(b) (5), 371)

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.
[F.R. Doc. 61-6264; Filed, July 5, 1961; 8:48 a.m.]

Title 28—JUDICIAL ADMINISTRATION

Chapter I—Department of Justice

[Order 246-61]

PART 50—STATEMENTS OF POLICY

JUNE 29, 1961.

A new Part 50—Statements of Policy is added to this chapter and reads as follows:

§ 50.1 Consent judgment policy.

(a) It is hereby established as the policy of the Department of Justice to consent to a proposed judgment in an action to prevent or restrain violations of the antitrust laws only after or on condition that an opportunity is afforded persons (natural or corporate) who may be affected by such judgment and who are not named as parties to the action to state comments, views or relevant allegations prior to the entry of such proposed judgment by the court.

(b) Pursuant to this policy, each proposed consent judgment shall be filed in court or otherwise made available upon request to interested persons as early as feasible but at least 30 days prior to entry by the court. Prior to entry of the judgment, or some earlier specified date, the Department of Justice will receive and consider any written comments, views or relevant allegations relating to the proposed judgment, which the Department may, in its discretion, disclose to the other parties to the action. The Department of Justice shall reserve the right (1) to withdraw or withhold its consent to the proposed judgment if the comments, views or allegations submitted disclose facts or considerations which indicate that the proposed judgment is inappropriate, improper or inadequate and (2) to object to intervention by any party not named as a party by the Government.

(c) The Assistant Attorney General in charge of the Antitrust Division may establish procedures for implementing this policy. The Attorney General may permit an exception to this policy in a specific case where extraordinary circumstances require some shorter period than 30 days or some other procedure than that stated herein, and where it is clear that the public interest in the policy hereby established is not compromised.

ROBERT F. KENNEDY,
Attorney General.

[F.R. Doc. 61-6252; Filed, July 5, 1961; 8:47 a.m.]

Title 47—TELECOMMUNICATION**Chapter I—Federal Communications Commission**

[FCC 61-812]

PART 1—PRACTICE AND PROCEDURE**Consideration and Processing of Applications**

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration its rules pertaining to the processing of applications in the broadcast services;

It appearing that it would be in the public interest to amend the rules to reflect more accurately the manner in which broadcast applications are processed by the staff and particularly to indicate which applications for standard broadcast facilities are placed on the processing line; and

It further appearing that the amendments ordered herein relate to procedure, and therefore that the provisions of section 4 of the Administrative Procedure Act are not applicable; and

It further appearing that authority for those amendments are contained in sections 4(i) and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That effective July 6, 1961, §§ 1.353 and 1.354(d) of the Commission's rules are amended as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Released: June 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 1.353 of the Commission's rules is amended to read as follows:

§ 1.353 Staff consideration of applications which receive action by the Commission.

Upon acceptance of an application, the complete file is reviewed by the staff and, except where the application is acted upon by the staff pursuant to delegation of authority, a report containing the recommendations of the staff and any other documents required is prepared and placed on the Commission's agenda.

2. Section 1.354(d) of the Commission's rules is amended to read as follows:

§ 1.354 Processing of standard broadcast applications.

* * * *

(d) Applications other than those for new stations or for major changes in the facilities of authorized stations are not placed on the processing line but are processed as nearly as possible in the order in which they are filed.

[F.R. Doc. 61-6293; Filed, July 5, 1961; 8:53 a.m.]

No. 128—3

Title 49—TRANSPORTATION**Chapter I—Interstate Commerce Commission****SUBCHAPTER A—GENERAL RULES AND REGULATIONS**

[S.O. 928, Amdt. 5]

PART 95—CAR SERVICE**Indiana Harbor Belt Railroad Company Authorized To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Company**

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 27th day of June A.D. 1961.

Upon further consideration of Service Order No. 928 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26), and good cause appearing therefor:

It is ordered, That: § 95.928 *Indiana Harbor Belt Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company*, of Service Order No. 928, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6276; Filed, July 5, 1961; 8:50 a.m.]

[S.O. 929, Amdt. 5]

PART 95—CAR SERVICE**Chicago, Burlington & Quincy Railroad Company Authorized To Operate Over Certain Trackage of Chicago Aurora and Elgin Railway Company**

At a session of the Interstate Commerce Commission, Safety and Service

Board No. 1, held in Washington, D.C., on the 27th day of June A.D. 1961.

Upon further consideration of Service Order No. 929 (24 F.R. 4995, 7404; 25 F.R. 80, 6361; 26 F.R. 26), and good cause appearing therefor:

It is ordered, That: § 95.929 *Chicago, Burlington & Quincy Railroad Company authorized to operate over certain trackage of Chicago Aurora and Elgin Railway Company*, of Service Order No. 929, be, and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof:

(g) *Expiration date*. This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15(4), 40 Stat. 101, as amended 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That a copy of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6277; Filed, July 5, 1961; 8:50 a.m.]

[S.O. 930, Amdt. 5]

PART 95—CAR SERVICE**Chicago, Milwaukee, St. Paul and Pacific Railroad Company Authorized To Operate Over Certain Trackage of the Chicago Aurora and Elgin Railway Company**

At a session of the Interstate Commerce Commission, Safety and Service Board No. 1, held in Washington, D.C., on the 27th day of June A.D. 1961.

Upon further consideration of Service Order No. 930 (24 F.R. 4996, 7405; 25 F.R. 80, 6361, 26 F.R. 26), and good cause appearing therefor:

It is ordered, That: § 95.930 *Chicago, Milwaukee, St. Paul and Pacific Railroad Company authorized to operate over certain trackage of the Chicago Aurora and Elgin Railway Company*, of Service Order No. 930, be and it is hereby amended by substituting the following paragraph (g) for paragraph (g) thereof.

(g) *Expiration date*. This order shall expire at 11:59 p.m., December 31, 1961, unless otherwise modified, changed, sus-

pending, or annulled by order of this Commission.

Effective date: This amendment shall become effective at 11:59 p.m., June 30, 1961.

(Sec. 1, 12, 15, 24 Stat. 379, 383, 384, as amended; 49 U.S.C. 1, 12, 15. Interprets or applies sec. 1(10-17), 15 (4), 40 Stat. 101, as amended, 54 Stat. 911; 49 U.S.C. 1(10-17), 15(4))

It is further ordered, That copies of this amendment shall be served upon the Illinois Commerce Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order shall be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D.C., and by filing it with the Director, Office of the Federal Register.

By the Commission, Safety and Service Board No. 1.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-6278; Filed, July 5, 1961;
8:50 a.m.]

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[Ex Parte No. MC-40]

PART 190—GENERAL

Qualifications and Maximum Hours of Service of Employees of Motor Carriers and Safety of Operation and Equipment

At a session of the Interstate Commerce Commission, Motor Carrier Board No. 2, held in Washington, D.C., on the twenty-sixth day of June A.D. 1961.

The matter of field offices designated for filing of reports under the Motor Carrier Safety Regulations prescribed by

order of April 14, 1952, as amended by orders of March 25, 1953, and April 21, and October 28, 1958, being under consideration; and

It appearing that more efficient and expeditious handling of Commission business warrants modification of § 190.40(a) of the Code of Federal Regulations (49 CFR 190.40(a)) only to the extent of designating where motor carriers domiciled in El Paso County, Texas, shall file accident and hours of service reports and good cause appearing therefor;

It further appearing, that this modification concerns only the designation of a place where motor carriers located in El Paso County, Texas, shall file with the Commission reports required by the Motor Carrier Safety Regulations, and is an agency procedure, and therefore, pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003), for good cause it is found that notice of proposed rule making is unnecessary;

It is ordered, That in the table in paragraph (a) of § 190.40 of the Code of Federal Regulations (49 CFR 190.40(a)), the territory included in District No. 12 be, and it is hereby, amended to read "Arkansas, Louisiana, Oklahoma, and Texas, except El Paso County, Texas," and the territory included in District No. 13 be, and it is hereby, amended to read "Colorado, Montana, New Mexico, Utah, Wyoming, and El Paso County, Texas." As so amended § 190.40(a) reads as follows:

§ 190.40 Accident and hours of service reports.

(a) *Where filed*. Motor carriers shall file reports required by §§ 194.5, 194.7, and 195.9 of this subchapter by serving or the mailing by first-class mail to the District Director, Bureau of Motor Carriers, Interstate Commerce Commission, for the district in which such carrier has his or its principal place of business as shown in the following table:

District No.	Territory included	Location of district office
1	Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont.	Boston 9, Mass.
2	Connecticut, New Jersey, and New York.	New York 13, N.Y.
3	Delaware, District of Columbia, Eastern Pennsylvania, Maryland, and Virginia.	Philadelphia 6, Pa.
4	Ohio, Western Pennsylvania, and West Virginia.	Columbus 15, Ohio.
6	Alabama, Florida, Georgia, North Carolina, and South Carolina.	Atlanta 8, Ga.
7	Kentucky, Mississippi, and Tennessee.	Nashville 3, Tenn.
8	Illinois, Indiana, and Michigan.	Chicago 7, Ill.
9	Minnesota, North Dakota, South Dakota, and Wisconsin.	Minneapolis 1, Minn.
10	Iowa, Kansas, Missouri, and Nebraska.	Kansas City 6, Mo.
12	Arkansas, Louisiana, Oklahoma, and Texas, except El Paso County, Texas.	Fort Worth 2, Tex.
13	Colorado, Montana, New Mexico, Utah, Wyoming, and El Paso County, Texas.	Denver 2, Colo.
15	Idaho, Oregon, and Washington.	Portland 5, Oreg.
16	Arizona, California, and Nevada.	San Francisco 5, Calif.
	Alaska	Anchorage.

(Sec. 204, 49 Stat. 546, as amended; 49 U.S.C. 304)

It is further ordered, That this order shall be effective July 15, 1961, and shall continue in effect until further order of the Commission.

And it is further ordered, That notice of this order shall be given to the general public by depositing a copy thereof in the Office of the Secretary of the Commission, Washington, D.C., and by filing a copy thereof with the Director, Office of the Federal Register.

By the Commission, Motor Carrier Board No. 2.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-6279; Filed, July 5, 1961;
8:50 a.m.]

Proposed Rule Making

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[7 CFR Part 1008]

[Docket No. AO-275-A6]

MILK IN INLAND EMPIRE MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in Conference Rooms A and B, Washington Water Power Service Center, East 1411 Mission Avenue, Spokane, Washington, beginning at 10:00 a.m. (Pacific daylight time) on July 11, 1961, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Inland Empire marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Inland Empire Dairy Association and the Spokane Milk Producers Association:

Proposal No. 1. Delete the base-excess plan from the order and provide payments at a uniform price.

Proposal No. 2. Include provision for a "take-out and pay-back" plan whereby 30 cents per hundredweight is withheld from the uniform price during the months of April, May and June and one-third of the proceeds gathered therefrom is returned to the value of producer milk in determining the uniform price during each of the following months of September, October and November.

Proposed by the Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, Alexander Swantz, West 933 Third Avenue, Room 212, Spokane 12, Washington, or from the Hearing Clerk, Room 112, Admin-

istration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., June 30, 1961.

RAPHAEL V. FITZGERALD,
Acting Deputy Administrator,
Price and Production, Agri-
cultural Stabilization and
Conservation Service.

[F.R. Doc. 61-6314; Filed, July 5, 1961;
8:55 a.m.]

POST OFFICE DEPARTMENT

[39 CFR Part 51]

REGISTRY

Notice of Proposed Rule Making

The amendments, set forth below, are proposed to be made by the Department to the regulations in Part 51, of Title 39, Code of Federal Regulations, respecting the registration of mail, effective August 15, 1961. They make the following changes in the existing regulations:

1. All registered mail must be sealed and prepaid with postage at the first-class or airmail rates.

2. The minimum registration fee is increased from 50 cents to 60 cents.

3. The instructions concerning declaration of value are clarified.

4. A new subsection is added to describe more explicitly the postal insurance coverage for registered shipments with and without other insurance.

5. Provision is made for addition of a 40 cent collection charge to the registration fee for registered C.O.D. service. This change also extends insurance coverage up to the maximum of \$10,000 for registered C.O.D. mail.

6. Also, in addition to the aforementioned proposed amendments, the language of Part 51 is revised to state more clearly the present rules and regulations therein.

Although these proposed changes relate to a proprietary function of the Government, and are therefore exempt from the rulemaking requirements of 5 U.S.C. 1003, the Postmaster General desires to observe voluntarily the rulemaking requirements of the Administrative Procedure Act in matters of this kind, and to afford patrons of the postal service an opportunity to present written views concerning the proposed regulations. Accordingly, such written views may be submitted to Mr. E. A. Riley, Director, Postal Service Division, Bureau of Operations, Post Office Department, Washington 25, D.C., at any time prior to the expiration of thirty days from the date of publication of this document.

With the proposed changes Part 51 will read as follows:

§ 51.1 Why mail is registered.

Added protection for valuable and important mail and evidence of mailing

and delivery may be obtained by having it registered.

§ 51.2 Fees and liability.

(a) Fees.

Value	Fees (in addition to postage)	
	For articles not covered by commercial or other insurance	For articles also covered by commercial or other insurance
\$0.00 to \$10.00.....	\$0.60	\$0.60
\$10.01 to \$100.....	.75	.75
\$100.01 to \$200.....	1.00	1.00
\$200.01 to \$400.....	1.25	1.25
\$400.01 to \$600.....	1.50	1.50
\$600.01 to \$800.....	1.75	1.75
\$800.01 to \$1,000.....	2.00	2.00
\$1,000.01 to \$2,000.....	2.25	
\$2,000.01 to \$3,000.....	2.50	
\$3,000.01 to \$4,000.....	2.75	
\$4,000.01 to \$5,000.....	3.00	
\$5,000.01 to \$6,000.....	3.25	
\$6,000.01 to \$7,000.....	3.50	
\$7,000.01 to \$8,000.....	3.75	
\$8,000.01 to \$9,000.....	4.00	
\$9,000.01 to \$10,000.....	4.25	
\$10,000.01 to \$1,000,000.....	\$4.25 plus handling charge of 15¢ per \$1,000 or fraction over first \$10,000.	\$2.00 plus handling charge of 15¢ per \$1,000 or fraction over first \$1,000.
\$1,000,000.01 to \$15,000,000.....	\$152.75 plus handling charge of 10¢ per \$1,000 or fraction over first \$1,000,000.	\$151.85 plus handling charge of 10¢ per \$1,000 or fraction over first \$1,000,000.
Over \$15,000,000.....	Additional charges may be applied based on considerations of weight, space, and value.	

ADDITIONAL SERVICES

	Extra fee (cents)
C.O.D. (maximum amount collectible is \$200).....	40
Restricted delivery.....	50
Return receipts:	
Requested at time of mailing:	
Showing to whom and when delivered.....	10
Showing to whom, when, and address where delivered.....	35
Requested after mailing:	
Showing to whom and when delivered.....	25

(b) **Postal insurance liability**—(1) *Without other insurance.* Postal insurance covers the value up to the maximum of \$10,000.

(2) *With other insurance.* Postal insurance liability is limited to a maximum of \$1,000. Whenever postal insurance and other insurance both apply to the first \$1,000 of value or any part thereof, postal liability is assumed on a co-insurance basis and prorated in accordance with the formula shown in Part 54 of this chapter.

§ 51.3 Registration.

(a) *What may be registered.* All mailable matter prepaid with postage at the first class or airmail rates.

(b) *Where to mail.* Registration may be obtained by presenting mail to:

(1) *Post offices and their branches and stations.* Postmasters will accept

mail of unusually high value only at the main office or the larger branches and stations.

(2) *Rural carriers.* Mail and cash may be left in a rural box, and the change, if any, will be handed to the sender or placed in an envelope and left in the box on the carrier's next trip. No responsibility is assumed for articles or money until a receipt is issued, or for any change placed in the box.

(c) *Registration not available.* Mail may not be registered if:

(1) Placed in street letter boxes or in mail drops in post offices.

(2) Addressed to post offices to which it cannot be transported with safety.

(3) Not properly prepared. See § 51.7

(4) Two or more articles are tied or fastened together, unless enclosed in the same envelope or wrapper.

§ 51.4 Declaration by sender.

(a) *Value.* The sender is required by law to tell the postal clerk or to enter on the firm mailing bill if a firm mailer, the full value of mail matter presented for registration. The fact that private insurance may be carried on registered mail does not modify the requirement for declaring the value as defined below:

Kind of Mail Matter	Value to be declared
Negotiable instruments: Instruments payable to bearer, and matured interest coupons.	Market value.
Nonnegotiable instruments: All registered bonds, warehouse receipts, checks, drafts, deeds, wills, abstracts, and similar documents. Certificates of stock, including those endorsed in blank, are considered nonnegotiable so far as declaration of value is concerned.	No value or replacement cost if postal insurance coverage is desired.
Money	Full value.
Jewelry, gems, precious metals	Market value or cost.
Merchandise	Market value or cost.

(b) *Fragile mail.* The sender is required to tell the postal clerk whether the mail is fragile and to describe how it is packed if requested to do so.

(c) *Official mail.* Government agencies or officials must declare the value of the matter presented, so that it may be given proper care.

(d) *Free registration.* A declaration of value is not required on mail registered free under the provisions of § 51.6(d) and (e). No indemnity will be paid for any matter registered free.

(e) *Matter not having intrinsic value.* Articles having no intrinsic value may be registered on payment of the 60-cent fee or any of the higher fees.

§ 51.5 Additional services and refunds.

(a) *C.O.D. service.* A combined registry and C.O.D. service is available. The regular registered mail rates apply plus a collection charge of 40 cents. The mail must conform to the requirements for other registered mail and also the regulations governing preparation for C.O.D. service in Part 53 of this chapter.

(b) *Return receipts.* The sender may obtain return receipts by paying fees, in addition to the registration fee and postage, under the following conditions:

(1) At the time of mailing by informing the postal clerk or by writing on the mail Return Receipt Requested or Return Receipt Requested Showing Address Where Delivered.

(2) After mailing by request and showing registration receipt at the post office where the registered article was mailed. The return receipt will not show the address where delivery was made.

(3) Return by air. The sender may obtain a return receipt by airmail if postage stamps to cover the postal card airmail rate are fixed to the return receipt and it is endorsed Return by Airmail.

(c) *Restricted delivery.* The sender may at the time of mailing direct that the registered article be delivered only to the addressee or to someone named

by him in writing. This service is available only for articles addressed to specific individuals by name. An additional fee is required. The mail will be endorsed Deliver to Addressee Only or Deliver to Addressee or Order. After mailing and before delivery, the sender may direct such action by written order through the mailing postmaster. See also § 51.9(g).

(d) *Refunds.* Registration fees will not be refunded after the mail is accepted. Return receipt or restricted delivery fees will be refunded only when the failure to furnish a return receipt or to give restricted delivery was the fault of the Postal Service. Receipts for fees must be submitted with requests for refunds.

§ 51.6 Registration without prepayment.

(a) *Official Government Mail.* Official mail of government agencies that periodically reimburse the Post Office Department for handling their mail, or that pay for mail services on a negotiated basis, may be registered without stamps affixed. See § 27.2(c) of this chapter.

(b) *Census Mail.* All mail relating to the census and addressed to the Census Office, or to any official thereof, that is endorsed Official Business, Census Office, may be sent by registered mail without payment of a registration fee.

(c) *Naturalization Mail.* All mail relating to naturalization, including duplicate papers required to be sent to the Immigration and Naturalization Service by clerks of State or Federal courts addressed to the Department of Justice or to the Immigration and Naturalization Service, may be sent by registered mail without payment of a registration fee, if endorsed Official Business.

(d) *Diplomatic Mail.* Members of the diplomatic corps of the countries of the Postal Union of the Americas and Spain who are stationed in the United States may send correspondence by registered mail without payment of the registration fee. See § 27.5(a) of this chapter for preparation of such mail.

(e) *Consular Mail.* Official correspondence may be sent by registered mail between consulates (consuls and vice consuls) of the countries of the Postal Union of the Americas and Spain stationed in the United States and by such consulates to the Government of the United States or to their respective embassies or legations without payment of the registration fee. See § 27.5(b) of this chapter for preparation of such mail.

(f) *Currency for redemption.* Currency sent to the Treasurer of the United States, Washington, D.C., for redemption, contained in letters or parcels with postage prepaid by the sender, and redeemed currency mailed to the Treasurer of the United States, may be transmitted by registered mail without payment of registration fee, under the following conditions:

(1) The contents must be exhibited to the postmaster and a list furnished giving a detailed description of the money. For currency, the serial number, series date, and denomination must be given. Coin need be described only by number and denomination of pieces.

(2) After the contents have been compared with the list and found correct, the letter or parcel must be sealed in the presence of the postmaster.

(3) The list must be left with the postmaster.

(4) No liability is assumed by the Postal Service. If coverage is desired, the regular registration fees must be paid for liability.

(g) *Civil Service.* Letters or parcels relating exclusively to the business of the United States Civil Service Commission, Washington, D.C., and addressed to the Commission by members of local boards of examiners outside Washington, are registered free.

(h) *Postal Service.* Official mail of the Postal Service which requires registration may be registered without payment of a fee.

§ 51.7 Preparation for mailing.

(a) *Conditions.* Postal employees are not permitted to assist in the preparation or sealing of mail to be registered. The mail must bear the complete names and addresses of both sender and addressee. Envelopes or packages that appear to have been opened and resealed, or which are otherwise improperly prepared, will not be registered.

(b) *Sealing.* The sender must securely seal envelopes. Self-sealing envelopes are not acceptable. Do not place paper or cellulose strips or wax or paper seals over the intersections of the flaps where the postmark impressions are made. Wrap and seal packages with mucilage or glue or with plain paper strips. Packages containing currency or securities may not be sealed exclusively by use of paper strips, but must first be sealed securely with mucilage or glue.

(c) *Registered C.O.D.* Registered mail to be sent collect-on-delivery must also conform to the conditions outlined in Part 53, C.O.D. of this chapter.

(d) *Window envelopes.* Envelopes must have panels covering the opening. If transparent panels are glued to the

envelopes, they may contain only matter without intrinsic value. If the panel is part of the envelope, the envelope may be used for all registered mail.

(e) *Firm registration books.* If an average of three or more articles are presented for registration at one time, the sender may obtain free from the postmaster firm registration books, Form 3877 (Firm mailing book for registered, registered C.O.D., and certified mail (20 entry)), which are to be used in accordance with instructions that will be given by the postmaster. These instructions will require that the mail be endorsed and numbered from a series of registration numbers that will be assigned by the postmaster, and that the sender also enter the particulars of the items on the firm bills in duplicate. One copy of the bill will be retained by the post office and the other will be receipted and returned to the sender.

(f) *Return receipts and restricted delivery.* Firm mailers, are expected to complete and attach the return receipt card, Form 3811, (Return receipt registered, insured and certified mail), to the mail, and to endorse the address side of the mail to show the required official endorsement. If the mail is to be restricted in delivery, the words "Deliver to Addressee Only" should be shown in space 2 on the receipt side of the return receipt card.

(g) *Mailing receipts.* A receipt will be issued when mail is accepted for registration. For individual transactions, the receipt is prepared by the postal employee. When firm registration forms are used, the receipt will be postmarked and issued after the entries have been checked against the mail. A temporary receipt showing only the total number of articles may be issued when a large number of articles are mailed. The permanent descriptive receipt will be issued as soon as possible after verification.

§ 51.8 Withdrawal or recall.

The sender may withdraw or recall registered mail without charge before its delivery under the following conditions:

(a) Before dispatch by writing on the receipt Withdrawn before dispatch, and signing and surrendering the receipt.

(b) After dispatch by filing at the post office where the article was mailed a written request for its return, giving names and addresses of sender and addressee, the registry number, and date of mailing. Costs of telegrams must be paid by the sender.

§ 51.9 Delivery.

(a) *Procedure.* The responsibility of the Postal Service for registered mail ends with its proper delivery. Mail for delivery by carriers is taken on the first trip after it is received unless the addressee has requested the postmaster to hold his mail at the post office. The addressee or person representing him may obtain the name and address of the sender, and may look at registered mail while it is held by the postal employee, before accepting delivery and signing the delivery receipt. Identification will be required if the applicant for registered mail is unknown. The mail will not be

given to the addressee until the delivery receipt is obtained by the postal employee.

(b) *Recipient.* Delivery will be made in accordance with part 44 of this chapter. Registered mail addressed to residents of a hotel or apartment house will be delivered only to persons designated by the management of a hotel or apartment house in an agreement with the Postal Service.

(c) *When not delivered.* The addressee may be required to call at the post office for registered mail if its delivery by a carrier would not be safe.

(d) *Notice of arrival.* If the carrier is unable to deliver registered mail, he will leave a notice. If the mail is not delivered by carrier, a notice of arrival will be issued through regular mail channels. If the mail is not delivered or called for within 5 days a second notice will be issued, provided the maximum period for which the mail may be held permits. No second attempt to deliver will be made unless the post office is requested to do so.

(e) *Rural delivery.* Rural carriers will deliver registered mail to the residence if it is not more than $\frac{1}{2}$ mile from the route and if there is a passable road leading to it. Otherwise, the carrier will leave a notice in the box so that the addressee may either meet him at the box on his next trip or call at the post office for the mail.

(f) *Star-route delivery.* Star-route carriers may deliver registered mail only when the addressee has authorized the postmaster in writing to give the mail to the carrier. The carrier is then considered the representative of the addressee, and the responsibility of the Postal Service ends at the time of delivery to the carrier.

(g) *Restricted delivery.* The fee for this service must be paid at the time of mailing. The mail must be conspicuously endorsed Deliver to Addressee Only or Deliver to Addressee or Order. The endorsement, if not placed by the mailer, will be entered by the employee accepting the mail. Restricted delivery service is subject to the following rules:

(1) Mail marked Deliver to Addressee Only will be delivered only to the addressee, except as provided in paragraph 4 of this section.

(2) Mail marked Deliver to Addressee or Order may be delivered either to the addressee or to the person he authorizes in writing to receive his mail.

(3) When the mail is addressed jointly to two or more persons, the addressees will be notified to be present to accept delivery together, and the delivery receipt obtained, and the return receipt, if any, must be signed by all of the addressees. The registered article then may be delivered to any of the addressees unless the others object, in which case delivery will not be made until all of the addressees sign a statement designating the one to receive the mail.

(4) When the registered mail is addressed to officials of executive agencies, or members of the legislative and judicial branches of the Government of the United States, or of the States and possessions, or to members of the diplo-

matic corps, delivery may be made either to the addressee or to the person he authorizes to receive his mail.

(h) *Bad condition.* If the addressee accepts a registered article that has been repaired with sealing stamps or reenclosed in a new envelope or wrapper, it must be opened in the presence of the delivering employee. If anything is missing, the envelope or wrapper must be given to the employee after it has been endorsed to show what was missing.

NOTE: The corresponding Postal Manual Part is 161.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61-6261; Filed, July 5, 1961;
8:48 a.m.]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Food and Drug Administration

[21 CFR Part 120]

TOLERANCES AND EXEMPTIONS FROM TOLERANCES FOR PESTICIDE CHEMICALS IN OR ON RAW AGRICULTURAL COMMODITIES

Heptachlor and Heptachlor Epoxide; Notice of Proposal To Establish Tolerances

On January 19, 1960 (25 F.R. 404), an order was published in the FEDERAL REGISTER revoking the finite tolerance for residues of heptachlor (1,4,5,6,7,8,8-heptachloro - 3a,4,7,7a - tetrahydro-4,7-methanoindene) in or on food crops and establishing in their place zero tolerances for heptachlor and heptachlor epoxide (1,4,5,6,7,8,8 - heptachloro - 2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7 - methanoindene). This action was taken because: (1) It was discovered that heptachlor converts in part to heptachlor epoxide on growing plants, (2) the residue data on which the original heptachlor tolerances were established did not identify or show magnitude of heptachlor epoxide residues, (3) the original tolerances were based on toxicity studies of heptachlor alone, and (4) cattle feeding studies showed that heptachlor epoxide readily transmits from animal feed to meat and milk.

Subsequently, the Velsicol Chemical Corporation, 330 East Grand Avenue, Chicago, Illinois, filed a petition requesting tolerances for heptachlor including its epoxide as follows: 1 part per million in or on carrots; 0.3 part per million in or on potatoes and turnips; 0.2 part per million in or on peanuts and radishes; 0.1 part per million in or on beans, cabbage, lettuce, peas (including cowpeas and blackeyed peas), rutabagas, sweetpotatoes. The petitioner later withdrew request for tolerances on sweetpotatoes, peas, and beans other than snap beans and for all tolerances above the 0.1 part per million level.

The petition contained residue data on the magnitude and identity of residues from the use of heptachlor on the afore-mentioned crops and long-term

feeding studies with dogs and rats on heptachlor epoxide. The studies showed that heptachlor epoxide has approximately the same type and degree of chronic toxicity as the parent compound heptachlor.

Upon consideration of the results of the above long-term feeding tests on heptachlor epoxide and earlier long-term feeding tests on heptachlor, and upon consideration of the place of snap beans, cabbage, lettuce, and rutabagas in the entire human diet, the pharmacologists of the Food and Drug Administration conclude that a tolerance of 0.1 part per million for total residues of these chemicals on these crops will be safe.

The data before the Commissioner show that heptachlor epoxide, when included in the feed of animals, would result in residues in meat and milk. Residues of the epoxide in snap bean vines would make such vines unsuitable for livestock feed, and the proposed instructions do not contemplate that they will be used for that purpose. There is no basis for fixing a tolerance for heptachlor or heptachlor epoxide in meat or milk at a level higher than zero.

The Secretary of Agriculture has certified that heptachlor is useful on all the raw agricultural commodities for which tolerances were requested.

After consideration of the data available and by virtue of the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (sec' 408 (b), (e), 68 Stat. 511, 514; 21 U.S.C. 346a (b), (e)), and delegated to the Commissioner of Food and Drugs by the Secretary (25 F.R. 8625), it is proposed by the Commissioner that the regulations for tolerances for pesticide chemicals in or on raw agricultural commodities (21 CFR Part 120) be amended by:

§ 120.3 [Amendment]

1. Adding, in alphabetical order, to the list of chlorinated organic compounds in paragraph (e) (4) in § 120.3 *Tolerances for related pesticide chemicals* the items "Heptachlor (1,4,5,6,7,8,8-heptachloro - 3a,4,7,7a - tetrahydro - 4,7-methanoindene)" and "Heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy-2,3,3a,4,7,7a-hexahydro-4,7 - methanoindene)".

2. Amending § 120.104 to read as follows:

§ 120.104 Tolerances for residues of heptachlor and heptachlor epoxide.

Tolerances for total residues of heptachlor (1,4,5,6,7,8,8-heptachloro-3a,4,7,7a-tetrahydro-4,7-methanoindene) and its oxidation product heptachlor epoxide (1,4,5,6,7,8,8-heptachloro-2,3-epoxy - 2,3,3a,4,7,7a - hexahydro - 4,7 - methanoindene) from application of heptachlor in or on raw agricultural commodities are established as follows:

0.1 part per million in or on snap beans, cabbage, lettuce, rutabagas.

Zero in or on alfalfa, apples, barley, beets (including sugar beets), black-eyed peas, brussels sprouts, carrots, cau-

liflower, cherries, clover, corn, cotton, cowpeas, grain sorghum (milo), grapes, grass (pasture and range), kohlrabi, lima beans, meat, milk, oats, onions, peaches, peanuts, peas, pineapple, potatoes, radishes, rye, sugarcane, sweet clover, sweet-potatoes, tomatoes, turnips (including tops), wheat.

A person who has registered or who has submitted an application for the registration of an economic poison under the Federal Insecticide, Fungicide, and Rodenticide Act containing heptachlor or heptachlor epoxide may request, within 30 days from publication of this proposal in the FEDERAL REGISTER, that the proposal be referred to an advisory committee in accordance with section 408(e) of the Federal Food, Drug, and Cosmetic Act.

Any interested person is invited at any time prior to the thirtieth day from the date of publication of this notice in the FEDERAL REGISTER to file with the Hearing Clerk, Department of Health, Education, and Welfare, Room 5440, 330 Independence Avenue SW., Washington 25, D.C., written comments on the proposal. Comments may be accompanied by a memorandum or brief in support thereof.

All documents shall be filed in quintuplicate.

Dated: June 29, 1961.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 61-6262; Filed, July 5, 1961;
8:48 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

OPERATION AND MAINTENANCE CHARGES

Flathead Indian Irrigation Project, Montana

Basis and purpose. Notice is hereby given that pursuant to the authority contained in the acts of August 1, 1914 (38 Stat. 583), May 18, 1916 (39 Stat. 142) and March 7, 1928 (45 Stat. 210), it is proposed to amend §§ 221.24, 221.26 and 221.28 of Title 25, Code of Federal Regulations, dealing with the irrigable lands of the Flathead Indian Irrigation Project, Montana, that are subject to the jurisdiction of the several irrigation districts. The purpose of this amendment is to increase the lump sum assessment against the Flathead, Mission and Jocko Valley Districts within the Flathead Indian Irrigation Project for the 1962 season. The amendment also provides for increases that have occurred in the assessable acreages of the three districts.

It is the policy of the Department of the Interior, whenever practicable, to afford the public an opportunity to participate in the rule making process. Accordingly, interested persons may submit written comments, suggestions or

objections with respect to the proposed amendment to the Commissioner, Bureau of Indian Affairs, Washington 25, D.C., within 30 days from the date of publication of this notice in the FEDERAL REGISTER.

Sections 221.24, 221.26 and 221.28 are amended to read as follows:

§ 221.24 Charges.

Pursuant to a contract executed by the Flathead Irrigation District, Flathead Indian Irrigation Project, Montana, on May 12, 1928, as supplemented and amended by later contracts dated February 27, 1929; March 28, 1934; August 26, 1936, and April 5, 1950, there is hereby fixed for the season of 1962 an assessment of \$281,920.12 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Flathead Irrigation District. This assessment involves an area of approximately 75,507.43 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.26 Charges.

Pursuant to a contract executed by the Mission Irrigation District, Flathead Indian Irrigation Project, Montana, on March 7, 1931, approved by the Secretary of the Interior on April 21, 1931, as supplemented and amended by later contracts dated June 2, 1934, June 6, 1936, and May 16, 1951, there is hereby fixed, for the season of 1962 an assessment of \$50,330.06 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Mission Irrigation District. This assessment involves an area of approximately 14,285.90 acres, which does not include any land held in trust for Indians and covers all proper general charges and project overhead.

§ 221.28 Charges.

Pursuant to a contract executed by the Jocko Valley Irrigation District, Flathead Indian Irrigation Project, Montana, on November 13, 1934, approved by the Secretary of the Interior on February 26, 1935, as supplemented and amended by later contracts dated August 26, 1936, and April 18, 1950, there is hereby fixed for the season of 1962 an assessment of \$22,293.32 for the operation and maintenance of the irrigation system which serves that portion of the project within the confines and under the jurisdiction of the Jocko Valley Irrigation District. This assessment involves an area of approximately 6,497.75 acres, which does not include any lands held in trust for Indians and covers all proper general charges and project overhead.

JOHN A. CARVER, Jr.,
Assistant Secretary of the Interior.

JUNE 29, 1961.

[F.R. Doc. 61-6250; Filed, July 5, 1961;
8:47 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 13928; FCC 61-820]

[47 CFR Part 2]

FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS

Geneva (1959) Radio Regulations

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration its Memorandum Opinion and Order (FCC 61-761) of June 23, 1961, which scheduled oral argument in this proceeding to commence at 9:30 a.m. on July 7, 1961; and a petition for postponement of oral argument filed by Air Transport Association of America;

It appearing that good cause has been shown for not holding oral argument in this proceeding on the date now scheduled and that July 13, 1961, is agreeable to all parties;

It is ordered, That the oral argument scheduled for July 7, 1961, is canceled; and that said oral argument before the Commission en banc is rescheduled for Thursday, July 13, 1961, commencing at 9:30 a.m.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6294; Filed, July 5, 1961;
8:53 a.m.]

[47 CFR Part 4]

[Docket No. 14184; FCC 61-832]

TELEVISION BROADCAST TRANS- LATOR STATIONS

Eligibility and Licensing Requirements

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. On July 27, 1960, the Commission amended Subpart G of Part 4 of its rules to permit the operation of television broadcast translator stations on VHF television channels. Section 4.732(a) of the rules provides that a license for a VHF translator station may be issued, among others, to a broadcast station licensee. The circumstances which fostered the initial growth of the unlicensed television repeaters and motivated both the UHF and VHF translator licensing rules stem from the limited normal service area of a television broadcast station and the fact that service can be improved within such normal service area, or extended beyond that area, by low power, relatively inexpensive translator operations. Inherent in providing for this type of operation is the acceptance of the fact that in many cases the translator station authorized extends in some degree the service of a regular television broadcast station beyond its normal or contemplated service area.

3. The Commission, in adopting new rules providing for the operation of VHF television translator stations, contemplated that such stations would be utilized primarily by local groups or communities located in areas remote from regular television broadcast service. However, the desire for television service also includes the natural desire for a choice of programs in communities which are not necessarily located in remote areas, but where multiple services are not available from local stations. This factor, coupled with the explicit eligibility of regular television broadcast stations to apply for VHF television translator stations, has created a problem which was not fully anticipated by the Commission when it adopted the new rules for VHF translator stations.

4. Since the adoption of the new rules for VHF translator stations a number of applications for such stations have been filed by regular television broadcast station licensees for the following purposes:

(a) To fill in "shadow areas" within the licensee's Grade A or Grade B contour.

(b) To extend its service into areas not otherwise served by a regular television broadcast station.

(c) To extend its service (beyond the predicted Grade B contour of its station) into an area or community served by another station or stations, with or without duplicating the programming of the latter.

Thus, it is apparent that applications by regular television broadcast licensees for VHF translator stations are being motivated by considerations apart from, or at least not always including, a specific and definite need for the new service, or even a concrete desire for it on the part of the people in the community or area involved. A number of these applications are readily identifiable as having been motivated by the desire to extend the coverage of a regular television broadcast station beyond its normal service area. It is also apparent that in addition to the situations in which a regular television station is openly the applicant for a VHF translator, there may also be cases in which the regular television licensee may be the principal financial force behind a translator application, but otherwise has no direct legal responsibility for filing such application. Clearly, this is another way in which the regular television broadcast licensee seeks to extend its service area under our existing rules.

5. The Commission believes that unless some restrictions are placed upon the eligibility of regular television licensees to apply for VHF television broadcast translator stations, the VHF translator will tend to become simply another weapon in the competition between television licensees rather than an instrument to be utilized by people living in areas receiving little, if any, television service. It is also a matter of concern that some broadcaster's proposals to utilize VHF translators would, if granted, result in duplication of network programming in the community or area proposed to be served. This may well

be expected to cause the licensee in that area to seek to invade the service area of the television licensee proposing to invade its area, and it may well be expected, also, that in many cases where a licensee thus applies for authority to extend his service into another area, whether such area already receives service or not, other licensees in the applicant's community or area will likewise seek to extend their services in the same manner. In addition to the duplication problems which might result from this type of activity, the limited number of VHF channels available for this purpose make it likely that many mutually exclusive applications could be filed which would require comparative hearings to decide which applications should be granted. In addition, since many areas receive fringe service although they are outside the predicted Grade B contours of any stations, the introduction of VHF translators on the same or adjacent frequencies could cause interference resulting in actual reduction or elimination of service now in existence.

6. In view of the foregoing, we propose to amend our rules to provide, in substance, that a VHF translator will not be licensed to the licensee of a television broadcast station, or to an applicant financially supported by such a licensee, unless in addition to satisfying the other requirements of this Subpart, grant of the license would fill in an unserved area within the parent station's Grade B contour and will neither duplicate any part of the network service of another television broadcast station which already serves the area to be served by the proposed VHF translator with a Grade B signal or better, nor serve any community which has a television channel assigned to it on which a station is operating or a construction permit has been granted and is still in current status. Under our proposal an applicant in the above-described category would not be precluded from receiving a license for a VHF translator to extend its service to an area or community already receiving its only television service via VHF translators.

7. It should be noted that we do not here propose any additional restrictions on the eligibility of regular TV broadcast licensees, or licensee-supported applicants, insofar as UHF translators are concerned. The Commission has granted a number of applications for UHF translators filed, or financially supported, by UHF and VHF TV broadcast licensees in a variety of circumstances, and proposes to continue to do so. In fact, there are obvious situations in which the fuller utilization of UHF would be advanced by such use of UHF translators, although the use of VHF translators would be prohibited by existing rules or by the rules proposed herein.

8. Finally, because there may be situations in which the authorization of a VHF translator would be permissible under our rules at the time the grant was made, but would cease to be so should a regular television broadcast station or UHF translator station subsequently be authorized, we propose to amend our rules to provide that any

license for a VHF translator issued to a regular TV broadcast licensee, or to a licensee-supported applicant, may be canceled at any time upon not less than sixty (60) days notice, without hearing, where the circumstances in the community or area served are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

9. Accordingly, we propose to amend § 4.732 of the rules as set forth below.

10. Authority for the issuance of the proposed amendment is contained in sections 4(i), 303(c) and 303(r) of the Communications Act of 1934, as amended.

11. Pursuant to applicable procedures set out in § 1.213 of the Commission's rules, interested parties are invited to file comments on or before Sept. 5, 1961, and replies to such comments on or before Sept. 20, 1961. Comments proposing an increase in the maximum permissible power for VHF translators or in the use of multiple radio frequency amplifiers to achieve the effect of increased power will not be considered in this proceeding. In reaching a decision on the rules and standards of general applicability which are proposed herein, the Commission will not be limited to consideration of the comments of record, but will take into account all relevant information obtained in any manner from informed sources.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: June 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] BEN F. WAPLE,
Acting Secretary.

1. Section 4.732 is amended to read as follows:

§ 4.732 Eligibility and licensing requirements.

(a) Subject to the restrictions set forth in paragraph (e) of this section, a license for a television broadcast translator station may be issued to any qualified individual, organized group of individuals, broadcast station licensee, or local civil governmental body, upon an appropriate showing that plans for financing the installation and operation of the station are sufficiently sound to insure prompt construction of the station and dependable service for the duration of the licensed period.

(b) More than one television broadcast translator station may be licensed to the same applicant, whether or not such stations serve substantially the same area, upon an appropriate showing of need for such additional stations. TV translators operated by TV broadcast station licensees are not counted as TV stations for purposes of § 3.636 of this chapter, concerning multiple ownership.

(c) Only one channel will be assigned to each television broadcast translator station. Additional television broadcast translator stations may be authorized

to provide additional reception. A separate application is required for each television broadcast translator station and each application shall be complete in all respects.

(d) A VHF translator will not be authorized to serve an area which is receiving satisfactory service from one or more UHF television broadcast stations or UHF translators unless, upon consideration of all applicable public interest factors, it is determined that, exceptionally, such intermixture of VHF and UHF service is justified.

(e) A VHF translator will not be licensed to the licensee of a television broadcast station, or to an applicant financially supported by such licensee, or to any person associated with the licensee either directly or indirectly unless, in addition to satisfying the other requirements of this Subpart, it also fulfills one of the following criteria:

(1) It will fill in an area receiving no signal or an inadequate signal within the parent station's Grade B contour, and will neither duplicate any part of the programming of another television broadcast station which already serves the community or area to be served by the proposed VHF translator, nor serve any community which has a television station assigned to it on which a station is operating or for which a construction permit has been granted and is in current status; or

(2) It will serve an area or community outside its Grade B contour already receiving its only television service via VHF translators, none of which have been authorized under subparagraph (1) of this paragraph.

(f) Any authorization for a VHF translator issued to an applicant described in paragraph (e) of this section will be issued subject to the condition that it may be canceled at any time, upon not less than sixty (60) days notice, without hearing, where the circumstances in the community or area served are so altered as to have prohibited grant of the application had such circumstances existed at the time of its filing.

(g) The Commission will not act on applications for new television broadcast translator stations or for changes in the facilities of an existing station where such changes will result in an increase in signal range in any horizontal direction until 30 days have elapsed since the date on which "Public Notice" is given by the Commission of acceptance for filing of such application, in order to afford licensees of existing television broadcast stations an opportunity to comment with respect to the effect of the proposed translator on their operation.

[F.R. Doc. 61-6295; Filed, July 5, 1961; 8:53 a.m.]

[47 CFR Parts 7, 9, 10, 11, 16]

[Docket No. 14179; FCC 61-818]

**OPERATIONAL FIXED STATIONS IN
CERTAIN SERVICES**

**Assignment of Frequencies in the
Bands Above 952 Mc**

1. Notice is hereby given of proposed rule making to provide for the

assignment of frequencies in the bands above 952 Mc for operational fixed stations in the captioned services upon a showing that harmful interference will not be caused to existing stations.

2. The current rules governing the several Safety and Special Radio Services provide generally that frequencies allocated for use therein are available on a shared basis only and will not be assigned for the exclusive use of any one licensee. These rules also generally provide that all licensees of stations in these services shall cooperate in the use of frequencies assigned in order to minimize interference and thereby obtain the most effective use of the authorized facilities.

3. In its Report and Order in Docket No. 11866, adopted July 29, 1959, as affirmed in its Memorandum Opinion and Order released October 5, 1960 (FCC 60-1162), the Commission provided, among other things, for the liberalized licensing of private point-to-point microwave systems to those persons eligible for mobile operations in the various Safety and Special Radio Services. It was also determined therein that, as a general rule, and with certain specific exceptions, frequencies in the bands above 952 Mc should not be shared by common carriers and private users. Basically, however, it was recognized that a frequency assigned for private users in one geographic area would be available for use by private users in other areas in the country, but no specific determination was made as to whether such microwave frequencies should be shared by private users in the same geographic area or whether a given frequency should be made available in each area on an exclusive, non-interference basis. Evidence adduced in that proceeding indicated that such systems would be used for a variety of purposes which would be seriously limited if general sharing of microwave frequencies were required for such operations. Also, there was evidence presented therein with respect to technical considerations which indicated that provisions for the use of such frequencies on a non-interference basis would be necessary in order to permit the most effective use of such frequencies by such licensees.

4. In view of the foregoing considerations, the Commission is proposing to amend the applicable sections of Parts 7, 9, 10, 11, and 16 of its rules concerning the allocation of frequencies for point-to-point operations to provide substantially as follows:

Frequencies in the bands above 952 Mc allocated for operational fixed stations in this service will be assigned only after a satisfactory showing that harmful interference will not be caused to existing stations operating in accordance with the technical standards set forth in Parts 7, 9, 10, 11, and 16 of the Commission's rules or in its Report and Order in Docket No. 13083, released July 22, 1960, as affirmed in its Memorandum Opinion and Order released November 8, 1960.

5. The proposed amendments are issued under authority contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

6. Pursuant to the applicable procedures set forth in § 1.213 of the Commission's rules, interested persons may file

comments on or before August 18, 1961, and reply comments on or before August 28, 1961. All relevant and timely comments and reply comments will be considered by the Commission before final action is taken in this proceeding. In reaching its decision in this proceeding, the Commission may also take into account other relevant information before it, in addition to the specific comments invited by this notice.

7. In accordance with the provisions set forth in § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: June 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6296; Filed, July 5, 1961;
8:53 a.m.]

[47 CFR Part 10]

[Docket No. 13971; RM-217; FCC 61-819]

LOCAL GOVERNMENT RADIO SERVICE

Frequency for Control of Traffic Lights by Mobile Units Installed in Emer- gency Vehicles

1. The Commission issued a notice of proposed rule making (26 F.R. 2002, March 8, 1961) asking that comments be filed on or before May 1, 1961, either in favor of or in opposition to the proposal to make the frequency 39.06 Mc available to the Local Government Radio Service for the control of traffic lights by mobile units. Subsequent to that date, the City of Erie, Pennsylvania, the original petitioner in this matter, requested an extension of time to enable it to file reply comments. This was granted by Commission Order dated May 18, 1961, and set May 26 as the final date on which to submit such reply comments.

2. Within the time prescribed, the City of Erie filed a "Request for Deferral of Action" until July 3, 1961. During this interim the City plans to continue its developmental operation and, as a result, hopes to obtain sufficient new data which will provide a basis for a petition requesting the issuance of a "further notice of proposed rule-making." Specifically, the petitioner would be accumulating evidence to enable it to request that the proscribed bandwidth for its operations be reduced from 32 kc to 20 kc.

3. In the notice of proposed rule-making, the Commission directed attention to the fact that the proposed operation on the frequency 39.06 Mc would necessitate a rule amendment permitting a bandwidth of 32 kc and that this might affect a future proceeding to "split" the frequencies in the 25-42 Mc band. Comments were especially invited on this segment of the proposal. The City asks that "in light of the comments filed by various organizations, which in-

dicated this to be a seriously debilitating aspect of Erie's petition—" as well as the Commission's "concern" on this point it be permitted an extension to conduct tests so that "—a disabling aspect of the present proposal" might be removed. According to the petitioner, the technical modifications necessary to enable its traffic control system to function effectively within a bandwidth of 20 kc are relatively minor, and only a minimum amount of time is thus required to enable the City to acquire sufficient operational experience.

4. The Commission agrees with the petitioner that no party will be adversely affected by the granting of a deferral of final action. Those who have filed in favor of the proposal should welcome a demonstration that the system can be operated more efficiently than was originally proposed. Those who filed in opposition may wish to reconsider their positions on the basis of any new evidence submitted by the City of Erie. In any event, should a Further Notice of Proposed Rule Making be adopted, all interested parties will again be afforded an opportunity to file comments with the added advantage of having more facts at their disposal on which to formulate judgments.

5. As stated previously the request sought a deferral until July 3, 1961. However, in view of the importance of the tests, the Commission is of the opinion that a delay until July 14, 1961, should be allowed to assure that the petitioner will have enough time to conduct the tests, prepare the results, and then if the conclusions therefrom warrant to request the issuance of a Further Notice of Proposed Rule Making.

Therefore, it is ordered, This 28th day of June 1961, that the request for deferral of action in the above-entitled matter is granted until July 14, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6297; Filed, July 5, 1961;
8:53 a.m.]

[47 CFR Part 15]

[Docket No. 14178; FCC 61-816]

INCIDENTAL AND RESTRICTED RADIATION DEVICES

Identification of Certificated Receivers

Notice is hereby given of proposed rule making in Part 15 of the rules of the Federal Communications Commission to amend § 15.66 as shown below to specify the details of certifying seals placed on receivers,

In its program for regulating receivers, the Commission is directing public attention to the interference potential of radio and television receivers, and has cautioned consumers about the purchase of sets which do not bear a seal certifying compliance with the Commission's radiation limitations.

The Commission has noted that in some instances certifying seals have been

placed inside the cabinet or on the bottom panel where access is difficult; in other cases, the seals have been inconspicuous and apt to be overlooked. In addition, these seals have been encountered in all sizes and shapes. In some, the wording has been vague and the meaning not too clear.

This proposed rule amendment is made to promote uniformity in appearance, location, and wording of receiver certifying seals so that purchasers may easily determine when a receiver has been certificated.

This proposal to amend the Commission's rules is issued under the Authority of sections 4(i), 301, and 303(r) of the Communications Act of 1934, as amended.

Any interested person who is of the opinion that the proposed amendment should not be adopted in the form set forth herein, may file with the Commission on or before August 7, 1961, written data, views, or arguments setting forth his comments. Comments in support of these proposals also may be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. No additional comments may be filed unless specifically requested by the Commission or good cause for the filing of such comments is established.

In accordance with the provisions of § 1.54 of the Commission's rules, an original and 14 copies of all statements, briefs, or comments, filed shall be furnished the Federal Communications Commission.

Adopted: June 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Section 15.66 is revised to read as follows:

§ 15.66 Identification of certificated receivers.

(a) Each certificated receiver shall have a distinctive seal permanently affixed to its back panel for ready visibility.

(b) The seal shall be 1 x 3 inches in size.

(c) The color of the seal shall be in contrast with the color of the cabinet finish, and the lettering on the seal shall be in contrast with the background.

(d) The seal shall carry the following inscription:

(Name of company)
certifies that this receiver
complies with FCC radiation limits
as of date of manufacture

(e) The certifying seal may not be attached to a receiver until a certificate has been filed with the Commission pursuant to § 15.65.

[F.R. Doc. 61-6298; Filed, July 5, 1961;
8:53 a.m.]

Notices

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

MONROE LIVESTOCK MARKET ET AL.

Posted Stockyards

Pursuant to the authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), on the respective dates specified below it was ascertained that the livestock markets named below were stockyards within the definition of that term contained in section 302 of the act, as amended (7 U.S.C. 202), and were, therefore, subject to the act, and notice was given to the owners and to the public by posting notice at the stockyards as required by said section 302.

Name and Location of Stockyard and Date of Posting

ALABAMA

Monroe Livestock Market, Monroeville: May 1, 1961.
Early Livestock Company, Samson: April 17, 1961.

CALIFORNIA

Riverbank Livestock Auction Yard, Riverbank: May 10, 1961.

ILLINOIS

Ashland Auction Co., Ashland: June 8, 1961.
Greenville Livestock Auction, Greenville: May 18, 1961.
Jackson County Auction Sales, Murphysboro: May 3, 1961.
Palmyra Sales Company, Palmyra: May 31, 1961.
Woodson Sale Barn, Woodson: May 25, 1961.

IOWA

Spencer North Y Auction, Inc., Spencer: June 9, 1961.

KANSAS

Danner's Sales Pavilion, Burlington: May 12, 1961.

LOUISIANA

Minden Livestock Commission Co., Minden: June 9, 1961.

NEW YORK

Earlville Sales, Earlville: May 22, 1961.
Sennett Sales Company, Sennett: May 19, 1961.
Welch Livestock Market, Inc., West Edmeston: May 18, 1961.

NORTH CAROLINA

Twin States Auction Market, Tabor City: April 28, 1961.

PENNSYLVANIA

Avondale Livestock Auction, Avondale (formerly Avondale Livestock Sales Company): May 9, 1961.

SOUTH CAROLINA

Farmers County Line Stockyard, Andrews: April 20, 1961.
Greer Auction Market, Greer: April 17, 1961.

TEXAS

Floydada Livestock Sales Company, Floydada: May 19, 1961.
Terrell Livestock Commission Company, Terrell: April 24, 1961.

VERMONT

Crosby's Livestock Commission Sales, Whiting: May 16, 1961.

Done at Washington, D.C., this 29th day of June 1961.

H. L. JONES,
Chief, Rates and Registration
Branch, Packers and Stock-
yards Division, Agricultural
Marketing Service.

[F.R. Doc. 61-6260; Filed, July 5, 1961; 8:47 a.m.]

BRAHS COMMISSION MARKET ET AL. Notice of Changes in Names of Posted Stockyards

It has been ascertained, and notice is hereby given, that the names of the livestock markets referred to herein, which were posted on the respective dates specified below as being subject to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U.S.C. 181 et seq.), have been changed as indicated below.

Original name of stockyard, location, and date of posting	Current name of stockyard and date of change in name
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CALIFORNIA

Brahs Commission Market, Willows, Nov. 13, 1959 (name changed from Willows Livestock Commission Co., Sept. 27, 1960).	Willows Livestock Market, Apr. 10, 1961.
Reed's Livestock Co., Inc., Hayward, Apr. 19, 1961.	Reed's Livestock Commission Co., June 14, 1961.

GEORGIA

Hasty's Auction Co., Atlanta, May 22, 1959-----	Capital Livestock Auction Co., Inc., May 15, 1961.
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INDIANA

Shipsheawanna Auction, Inc., Shipsheawanna, Apr. 21, 1959.	Shipsheawanna Auction Co., Apr. 12, 1961.
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IOWA

Algona Livestock Auction, Algona, May 16, 1959.	Algona Livestock Market, Apr. 3, 1961.
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KANSAS

Concordia Sales Co., Concordia, May 30, 1959----	Concordia Sales Co., Feb. 20, 1961.
Hill City Sale Co., Hill City, Oct. 18, 1956----	Farmers Marketing Sales Corp., May 31, 1961.
Washington Sale Co., Washington, June 13, 1959.	Washington Sale Co., June 1, 1961.

NORTH DAKOTA

Stanley Livestock Market, Stanley, June 11, 1960.	Stanley Livestock Auction Market, June 7, 1961.
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OKLAHOMA

Snyder Livestock Sales Co., Snyder, Feb. 12, 1959.	Snyder Stockyards, Sept. 19, 1960.
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OREGON

Southern Oregon Livestock Auction Co., Phoenix, Oct. 2, 1959.	Rogue Valley Livestock Auction, Inc., June 13, 1961.
Vale Livestock Auction Co., Vale, Oct. 12, 1959 (name changed from Vale Livestock Commission Co., Jan. 23, 1961).	Vale Livestock Auction Co., Inc., Apr. 14, 1961.

SOUTH DAKOTA

Hub City Livestock Sales Pavilion, Aberdeen, Nov. 29, 1949.	Hub City Livestock Sales Pavilion, Inc., Apr. 18, 1961.
Wagner Livestock Sales Co., Wagner, May 22, 1956.	Wagner Livestock Sales Co., June 5, 1961.

TEXAS

Valley Stock Yards, Mercedes, Sept. 20, 1957----	Valley Stock Yards Co., Inc., April 14, 1961.
Woodville Livestock Commission Co., Woodville, Mar. 10, 1959.	Woodville Livestock Commission Co., Apr. 20, 1961.

WYOMING

Riverton Livestock Auction, Riverton, June 27, 1950.	Riverton Auction-Kemp Bros., Nov. 17, 1960.
Worland Sales Ring, Worland, June 28, 1950----	Worland Livestock Commission Co., May 1, 1961.

Done at Washington, D.C., this 30th day of June 1961.

H. L. JONES,
Chief, Rates and Registration Branch,
Packers and Stockyards Division,
Agricultural Marketing Service.

[F.R. Doc. 61-6286; Filed, July 5, 1961; 8:52 a.m.]

Office of the Secretary

COLORADO

Designation of Area for Production
Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Colorado a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

COLORADO

Adams. Weld.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 30th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6290; Filed, July 5, 1961;
8:54 a.m.]

MINNESOTA

Designation of Area for Production
Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in the following counties in the State of Minnesota a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

MINNESOTA

Aitkin.	Mahnomen.
Becker.	Marshall.
Beltrami.	Morrison.
Carlton.	Norman.
Cass.	Otter Tail.
Clearwater.	Pennington.
Crow Wing.	Pine.
Hubbard.	Polk.
Itasca.	Red Lake.
Kittson.	Roseau.
Koochiching.	Todd.
Lake of the Woods.	Wadena.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named counties after June 30, 1962, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of June 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6291; Filed, July 5, 1961;
8:53 a.m.]

OKLAHOMA

Designation of Area for Production
Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Caddo County, Oklahoma, a production disaster has resulted in a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after December 31, 1961, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 29th day of June, 1961.

ORVILLE L. FREEMAN,
Secretary.

[F.R. Doc. 61-6292; Filed, July 5, 1961;
8:53 a.m.]

DEPARTMENT OF COMMERCE

Federal Maritime Board

[Docket No. 948]

PACIFIC COAST EUROPEAN
CONFERENCE

Notice of Order To Show Cause

On June 19, 1961, the Federal Maritime Board entered the following order:

It appearing that Agreement No. 5200, the Pacific Coast European Conference Agreement (the Agreement), covering trade from United States Pacific Coast ports to Europe, Africa and other areas was approved pursuant to section 15, Shipping Act, 1916 (46 U.S.C. 814) (the Act) on May 26, 1937, with modifications approved from time to time thereafter; and

It further appearing that the Board has the duty under section 15 of the Act to keep under constant surveillance the activities of the Conference and its member lines in order to discover the existence of (1) any cooperative action which may "be unjustly discriminatory or unfair as between carriers, shippers, exporters, importers, or ports, or between exporters from the United States and their foreign competitors, or * * * operate to the detriment of the commerce of the United States, or * * * be in violation of [the] Act"; (2) any cooperative action which may be outside the scope of the approved conference agreement; or (3) any action by one or more of the conference lines which may violate the terms of the approved conference agreement or of the Act; and

It further appearing that the Conference has a duty to submit to the Board full and complete minutes of the Conference meetings and has failed to do so; and

It further appearing that the Conference has failed, in whole or in part, to

comply with specific requests for information and directives of the Board and its Office of Regulations, namely, letter dated May 4, 1961, of the Secretary, Federal Maritime Board, and letters dated January 25, and March 28, 1961, and directive dated December 15, 1959, of the Office of Regulations, Federal Maritime Board; and

It further appearing that the Conference by the aforesaid action has precluded the Board from effective review of activities of the Conference or its member lines, and has thereby prevented the Board from carrying out its duty under the Act to regulate the activities of shipping lines operating under the conference agreement;

Now therefore, it is ordered, That the Pacific Coast European Conference and its member lines (specified in Appendix A) show cause on or before July 20, 1961, why (1) they should not forthwith comply with the said requests for information and directives of the Board and the Office of Regulations, or (2) in the alternative, Agreement No. 5200 should not be disapproved by the Board; and

It is further ordered, That this order be published in the FEDERAL REGISTER and served on the Conference and each of its member lines who are hereby named as respondents in this proceeding.

Affidavits of fact and memoranda of law may be submitted to the Board on or before the close of business on July 10, 1961, and replies thereto on or before the close of business on July 17, 1961. Oral arguments of the parties will be heard by the Board in Room 4519, 441 G Street NW., Washington, D.C., at 10 a.m., e.d.s.t., on July 20, 1961.¹

APPENDIX A

PACIFIC COAST EUROPEAN CONFERENCE

Regular Members

Anglo Canadian Shipping Company Limited/
Canadian Occidental Shipping Co. Ltd.
Blue Star Line, Limited (Blue Star Line).
Canadian Transport Company Limited.
Compagnie Generale Transatlantique
(French Line).
d'Amico Societa di Navigazione per Azioni.
The East Asiatic Company, Ltd. (A/S Det
Østasiatiske Kompagni) (East Asiatic
Line).
Fruit Express Line A/S (Fruit Express Line).
Furness, Withy & Co., Ltd. (Furness Line).
Global Transport, Ltd. (Global Transport
Lines).
Hamburg-Amerika Linie (Hamburg Amer-
ican Line).
(Hanseatic-Vassa Line)—Joint Service (as
one member only) of Hanseatische
Reederei Emil Offen & Co., Vaasan Laiva
Oy.
Italia, Societa Per Azioni di Navigazione
(Italian Line).
Italnavi Societa di Navigazione per Azioni
(Italnavi Line).
Mitsui Steamship Co., Ltd. (Mitsui Line).
Norddeutscher Lloyd (North German Lloyd).
N.V. Nederlandsch-Amerikaansche Stoom-
vaart-Maatschappij (Holland-America
Line).
Fred. Olsen & Co. (Fred. Olsen Line).
Rederiaktiebolaget Nordstjernan (Johnson
Line).
Royal Mail Lines, Limited.

¹ These dates have been changed by subsequent order of the Board, respectively, to July 20, 1961, July 27, 1961, and July 31, 1961.

Seaboard Shipping Company, Limited.
Sposna Plovba.
(States Marine Lines)—Joint service (as one member only) of States Marine Lines, Inc., Global Bulk Transport Corporation, Westfal-Larsen & Co. A/S (Interocean Line), Zim Israel Navigation Co., Ltd.

Associate Member

American President Lines, Ltd. (American President Lines).

Dated: June 30, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6285; Filed, July 5, 1961;
8:52 a.m.]

JAVA PACIFIC AND HOEGH LINES JOINT SERVICE ET AL.

Notice of Agreements Filed for Approval

Notice is hereby given that the following described agreements have been filed with the Board for approval pursuant to section 15 of the Shipping Act, 1916 (39 Stat. 733, 46 U.S.C. 814):

Agreement Numbered 7838-2, between the carriers comprising the Java Pacific and Hoegh Lines joint service, modifies the approved agreement of that joint service (Numbered 7838, as amended), in the trade, in both directions, between West Coast ports of the United States and Canada, and the Hawaiian Islands, on the one hand, and ports in the Philippine Islands, Indo-China, Siam, Indonesia, Colony of Singapore, Federation of Malaya, Ceylon, India, Pakistan, Burma and the territory of the Persian Gulf, on the other hand. The purpose of the modification is to (1) include the trade between West Coast ports of the United States and Canada, and the Hawaiian Islands, on the one hand, and Hong Kong and Taiwan (Formosa), on the other hand, within the scope of the agreement; and (2) change the name of Siam to Thailand, and substitute the name of Cambodia and Vietnam for Indo-China in order that the present day designation of those countries will be set forth in the agreement.

Agreement Numbered 8678, between American Export Lines Inc. and A. H. Bull Steamship Co., covers a through billing arrangement for the transportation of gunny sacks, hessian cloth and jute, in the trade from India and Pakistan to Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement Numbered 8678, upon approval, will supersede and cancel approved Agreement Numbered 8056, between American Export Lines, Inc. and Bull Insular Line, Inc., in the same trade.

Agreement Numbered 8679, between the carriers comprising the De La Rama Lines joint service (operating under approved Agreement Numbered 7739, as amended) and A. H. Bull Steamship Co., covers a through billing arrangement on cargo in the trade from Hong Kong to

Puerto Rico, with transshipment at New York, Baltimore or Philadelphia. Agreement Numbered 8679, upon approval, will supersede and cancel approved Agreement Numbered 8276, between the carriers comprising the De La Rama Lines joint service and Bull Insular Line, Inc., in the same trade.

Interested parties may inspect these agreements and obtain copies thereof at the Office of Regulations, Federal Maritime Board, Washington, D.C., and may submit, within 20 days from the date of publication of this notice in the FEDERAL REGISTER, written statements with reference to any of these agreements and their position as to approval, disapproval, or modification, together with request for hearing should such hearing be desired.

Dated: June 30, 1961.

By order of the Federal Maritime Board.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6284; Filed, July 5, 1961;
8:51 a.m.]

Maritime Administration

ROUND - THE - WORLD WESTBOUND SERVICE AND ROUND-THE-WORLD EASTBOUND SERVICE

Notice of Modification and Adoption of Final Conclusions and Determinations Regarding Essentiality and United States Flag Service Requirements

Notice is hereby given that the Maritime Administrator has considered the comments and views submitted by interested persons, firms, or corporations with respect to the tentative conclusions and determinations regarding the essentiality and United States flag service requirements of Round-the-World Westbound Service and Round-the-World Eastbound Service and published in the FEDERAL REGISTER issue of June 6, 1961 (26 F.R. 5012), and has ordered that paragraph 1, in part, of each service, be modified to read as follows:

1. * * * Far East (Japan, Okinawa, Taiwan, the Philippines, and the Continent of Asia from Union of Soviet Socialist Republics to Thailand, inclusive), * * *

The Maritime Administrator has adopted as final the previously published conclusions and determinations regarding the essentiality and United States flag service requirements of Round-the-World Westbound Service and Round-the-World Eastbound Service, including paragraph 1 as so modified.

Dated: July 3, 1961.

By order of the Maritime Administrator.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-6392; Filed, July 5, 1961;
10:51 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-142]

REGENTS OF THE UNIVERSITY OF CALIFORNIA

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2, set forth below, to License No. R-71 authorizing The Regents of The University of California to make several minor modifications to the UCLA nuclear reactor and to perform a number of experiments as requested by the licensee in application amendments dated February 23, 1961, March 21, 1961, and April 15, 1961. Further, the license amendment adds certain new conditions to the license. The Commission has reviewed the shutdown procedures submitted by the licensee on January 19, 1961, and a condition has been added to the license requiring the licensee to comply with these procedures. A condition has also been added to the license requiring the licensee to report deviations from predicted operating characteristics which might otherwise not be reported. The UCLA reactor facility is located on the University's campus in Los Angeles, California. The Commission has found that operation of the facility in accordance with the terms and conditions of the license as amended will not be inimical to public health and safety.

The Commission has further found that prior public notice of proposed issuance of this amendment is not necessary in the public interest since operation of the reactor as described in the amended application would not present any substantial change in the hazards to the health and safety of the public from those considered and evaluated in connection with the previously approved operation of the facility.

In accordance with the Commission's rules of practice (10 CFR Part 2), the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervenor within thirty days after the issuance of the license amendment. Petitions for leave to intervene and request for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the AEC's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (a) the applications for license amendment by The University of California and (b) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of item (b) above may be obtained at the Commission's Public

Document Room, or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 28th day of June 1961.

For the Atomic Energy Commission.

R. L. KIRK,
Deputy Director, Division of
Licensing and Regulation.

[License No. R-71; Amdt. 2]

License No. R-71, as amended, is hereby amended to authorize the changes described in the application amendments dated February 23, 1961, March 21, 1961 and April 15, 1961 and to add two new conditions 4.D., and 4.G. as follows:

Paragraph 1. of License No. R-71, as amended, is hereby amended to read as follows:

1. This license applies to the Argonaut-type nuclear reactor (hereinafter referred to as "the reactor") designed for 10 kilowatt (thermal) operation which is owned by The Regents of The University of California and located on the University of California campus in Los Angeles, California, and described in the application dated June 24, 1959, and amendments thereto dated January 4, 1960, June 23, 1960, October 20, 1960, February 23, 1961, March 21, 1961, and April 15, 1961, (hereinafter collectively referred to as "the application").

Paragraph 4. of License No. R-71, as amended, is hereby amended to read as follows:

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter 1, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. University of California shall not operate the reactor at power levels in excess of 10 kilowatts (thermal) without prior written authorization from the Commission.

B. University of California shall not conduct any experiments other than those outlined in the application without prior written authorization from the Commission.

C. University of California shall not make any changes in the facility design, performance characteristics, and operating procedures specified in the application without prior written authorization from the Commission.

D. University of California shall comply with the procedures and precautions described in its submittal dated January 19, 1961, and the following additional limitations:

(1) The University of California shall maintain attended and closely observed nuclear control instrumentation in operation at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

(2) The University of California shall conduct core loading changes and all other operations which could involve changes in core reactivity when the reactor is shutdown only under the direct and personal supervision of a technically qualified and designated supervisor.

E. In addition to those otherwise required under this license and applicable regulations The University of California shall keep the following records;

(1) Reactor operating records, including power levels.

(2) Records of in-pile irradiations.

(3) Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of California as measured at the point of such release or discharge.

(4) Records of emergency scrams, including reasons for emergency shutdowns.

F. The University of California shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

G. The University of California shall promptly submit a written report to the Commission whenever, during operation of the reactor any of the operating conditions or characteristics of the reactor, which might affect nuclear safety, is observed to vary significantly from its predicted value.

This amendment is effective as of the date of issuance.

Date of issuance:

For the Atomic Energy Commission.

[F.R. Doc. 61-6236; Filed, July 5, 1961; 8:45 a.m.]

CIVIL AERONAUTICS BOARD

[Docket No. 11129]

FRONTIER AIRLINES, INC.; SEGMENT 13 CASE

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be heard on July 27, 1961, at 10 a.m. e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 30, 1961.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6282; Filed, July 5, 1961; 8:51 a.m.]

[Docket No. 10900]

PITTSBURGH-PHILADELPHIA NO-RESERVATION FARE INVESTIGATION

Notice of Oral Argument

Notice is hereby given, pursuant to the provisions of the Federal Aviation Act of 1958, as amended, that oral argument in the above-entitled proceeding is assigned to be held on July 26, 1961, at 10 a.m., e.d.s.t., in Room 1027, Universal Building, Connecticut and Florida Avenues NW., Washington, D.C., before the Board.

Dated at Washington, D.C., June 30, 1961.

[SEAL]

FRANCIS W. BROWN,
Chief Examiner.

[F.R. Doc. 61-6283; Filed, July 5, 1961; 8:51 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14166 etc.; FCC 61M-1128]

EASTERN BROADCASTING SYSTEM, INC., ET AL.

Order Scheduling Hearing

In re Applications of Eastern Broadcasting System, Inc., Brookfield, Connecticut, Docket No. 14166, File No. BP-13017; Blair A. Walliser, tr/as Colonial Broadcasting Company, New Milford, Connecticut, Docket No. 14167, File No. BP-13673; George F. O'Brien, New Milford, Connecticut, Docket No. 14168, File No. BP-14040; Ubiquitous Corporation, Hyde Park, New York, Docket No. 14169, File No. BP-14138; Peter Taylor, E. C. Kip Finch, C. Carroll Bagley and John A. McGuire, d/b as Stratford Broadcasting Company, Stratford, Connecticut, Docket No. 14170, File No. BP-14140; Ray S. Whittles, Paul E. Josephson, Carleton A. Soderholm and Royal V. Carley, a Partnership, d/b as Fairfield Broadcasting Company, Easton, Connecticut, Docket No. 14171, File No. BP-14142; for construction permits.

It is ordered, This 29th day of June 1961, that Forest L. McClenning will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1961, in Washington, D.C.; And it is further ordered, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 31, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS COMMISSION,

[SEAL]

BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6299; Filed, July 5, 1961; 8:53 a.m.]

[Docket No. 13288; FCC 61M-1119]

EVANSTON CAB CO.

Order Scheduling Hearing

In re application of Evanston Cab Company, Docket No. 13288, File No. 34460-LX-59; for authorization to operate a base station in the Taxicab Radio Service in Chicago, Ill.

It appearing that by an order of the Hearing Examiner (FCC 60M-1435) released August 24, 1960, the dates therefore scheduled for the prehearing exchange of exhibits, notification as to witnesses, and commencement of the hearing were continued indefinitely, pending further Commission action pursuant to notice of proposed rule making released July 25, 1960, in Docket No. 13690; and

It further appearing that while the aforementioned rule making proceeding has not been completed, further long-continued delay in the instant proceeding would not be consistent with the rea-

sonably expeditious dispatch of matters designated for hearing:

Accordingly, it is ordered, This 29th day of June 1961 that the hearing in this matter heretofore continued without date is hereby rescheduled for October 23, 1961, and that the proposed exhibits of the parties shall be exchanged by September 28, 1961, with notification as to witnesses required for cross-examination to be given by October 16, 1961.

Released: June 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6300; Filed, July 5, 1961;
8:54 a.m.]

[Docket Nos. 14173, 14174; FCC 61M-1129]

**LAKE ZURICH BROADCASTING CO.
AND KENOSHA BROADCASTING,
INC.**

Order Scheduling Hearing

In re applications of Lake Zurich Broadcasting Company, Kenosha, Wisconsin, Inc., Docket No. 14173, File No. BPH-3203; Kenosha Broadcasting, Inc., Kenosha, Wisconsin, Docket No. 14174, File No. BPH-3367; for construction permits.

It is ordered, This 29th day of June 1961, that David I. Kraushaar will preside at the hearing in the above-entitled proceeding which is hereby scheduled to consist, Docket No. 14173, File No. commence on September 15, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 31, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6301; Filed, July 5, 1961;
8:54 a.m.]

[Docket Nos. 14175-14177; FCC 61M-1130]

**LAKESHORE BROADCASTING CORP.,
INC., ET AL.**

Order Scheduling Hearing

In re applications of Lakeshore Broadcasting Corporation, Inc., Racine, Wisconsin, Docket No. 14175, File No. BPH-3264; Service Broadcasting Corporation, Kenosha, Wisconsin, Docket No. 14176, File No. BPH-3313; Ruth M. Crawford, executrix of estate of Percy B. Crawford (WYCA), Hammond, Indiana, Docket No. 14177, File No. BPH-3382; for construction permits.

It is ordered, This 29th day of June 1961, that H. Gifford Irion will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1961, in Washington, D.C.: *And it is further ordered,* That a prehearing conference in the proceeding will be convened by the

presiding officer at 9:00 a.m., Friday, July 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6302; Filed, July 5, 1961;
8:54 a.m.]

[Docket Nos. 14125-14128; FCC 61M-1112]

**MASSILLON BROADCASTING CO.,
INC., ET AL.**

Order Continuing Hearing

In re applications of Massillon Broadcasting Company, Inc., Norwood, Ohio, Docket No. 14125, File No. BP-13633; Covington Broadcasting Company, Covington, Kentucky, Docket No. 14126, File No. BP-14552; Irving Schwartz, tr/as Kenton County Broadcasters, Covington, Kentucky, Docket No. 14127, File No. BP-14613; Dale H. Mossman, Norwood, Ohio, Docket No. 14128, File No. BP-14623; for construction permits.

A prehearing conference in the above-entitled proceeding having been held on June 26, 1961;

It appearing that one of the counsel pleaded for a continuance of the scheduled date for commencement of the hearing (September 6) due to conflicting engagements of counsel, that other counsel requested that the hearing be rescheduled for the week of October 9 since earlier dates would conflict with his commitments, and that counsel for the Commission's Broadcast Bureau opposed any continuance for such reasons;

It appearing further that while the Hearing Examiner regards continuances merely for convenience of counsel to be unjustified, he granted the motion in this one instance because of his own hearing commitments during the month of September which could interrupt the orderly and continuous progress of the hearing in the instant case, a circumstance that may be avoided if the case went over until early October;

It appearing further that counsel are hereby advised, as they were during the prehearing conference, that no further such continuance for convenience of counsel will be granted;

It is ordered, This 27th day of June 1961, that the hearing herein is hereby rescheduled to convene at 10:00 a.m. on Monday, October 9, 1961 at the Commissioner's offices, Washington, D.C. instead of on September 6; that measurement data, if any, will be obtained by no later than August 15, 1961; that all exhibit material in support of direct cases of the parties will be exchanged by September 1, 1961, with one copy of each such exhibit provided the hearing examiner; that rebuttal exhibits will be exchanged by September 22; and that notification of the names of witnesses to be produced for cross examination will be exchanged informally among counsel not later than September 29, 1961;

It is ordered further, That all understandings or agreements reached during the prehearing conference with respect to the procedures to govern the future

conduct of the hearing are hereby incorporated by reference to the transcript of such prehearing conference.

Released: June 28, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6303; Filed, July 5, 1961;
8:54 a.m.]

[Docket No. 13010 etc.; FCC 61-822]

**MID-AMERICA BROADCASTING
SYSTEM, INC., ET AL.**

Order Amending Issues

In re applications of Mid-America Broadcasting System, Inc., Highland Park, Illinois, Docket No. 13010, Filed No. BP-11689; North Suburban Radio, Inc., Highland Park, Illinois, et al., Docket No. 13024, File No. BP-12318, etc.; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June 1961;

The Commission having under consideration (1) the matters of record in the above-entitled proceeding; (2) a petition for clarification, filed May 26, 1961, by North Suburban Radio, Inc. (Docket No. 13024); (3) a response to the petition for clarification filed by Elgin Broadcasting Company on June 7, 1961 (Docket No. 13043); and (4) the Broadcast Bureau's comment, filed June 8, 1961;

It appearing that petitioner requests the Commission to direct the Examiner to determine the desirability of a waiver of 47 CFR 3.37 in the event 2 mv/m and 25 mv/m interference between the proposals of North Suburban Radio, Inc. and Elgin Broadcasting Company be found to exist;

It further appearing that petitioner has shown good cause for the inclusion of a requirement for a determination of whether circumstances exist which would warrant a waiver of 47 CFR 3.37;

It is ordered, That the petition for clarification of issues, filed May 26, 1961, by North Suburban Radio, Inc. is granted, and issue 8 in this proceeding as amended by Commission Order of May 15, 1961, is further amended by the addition of the following: "and if so, whether circumstances exist which warrant a waiver of 47 CFR 3.37".

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6304; Filed, July 5, 1961;
8:54 a.m.]

[Docket No. 13798, etc.; FCC 61M-1132]

**OKLAHOMA BROADCASTING CO.
ET AL.**

Order Scheduling Hearing

In re applications of R. B. Bell and Bernice Bell, d/b as Oklahoma Broadcasting Company, Sapulpa, Oklahoma, Docket No. 13798; File No. BP-12403; Ira

E. Courtney, tr/as Courtney Broadcasting Co., Winfield, Kansas, Docket No. 13799, File No. BP-12407; Lloyd Clinton McKenney, tr/as Winfield Broadcasting Company, Winfield, Kansas, Docket No. 13800, File No. BP-12756; William E. Minshall and Melwyn E. Klar, d/b as Sapulpa Broadcasters, Sapulpa, Oklahoma, Docket No. 13801, File No. BP-12876; Orall Roberts Evangelistic Association, Inc., Tulsa, Oklahoma, Docket No. 14172, File No. BP-13464; for construction permits.

It is ordered, This 29th day of June 1961, that Millard F. French will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 8, 1961, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6305; Filed, July 5, 1961;
8:54 a.m.]

[Docket Nos. 13965-13967; FCC 61M-1115]

ROCKFORD BROADCASTERS, INC. (WROK) ET AL.

Order Continuing Hearing

In re applications of Rockford Broadcasters, Incorporated (WROK), Rockford, Illinois, Docket No. 13965, File No. BP-13422; Quincy Broadcasting Company (WGEM), Quincy, Illinois, Docket No. 13966, File No. BP-14225; Robert W. Sudbrink and Margareta S. Sudbrink, d/b as McLean County Broadcasting Co., Normal, Illinois, Docket No. 13967, File No. BP-14401; for construction permits.

On the oral request of counsel for the applicants and the Broadcast Bureau, and without objection by counsel for respondent: *It is ordered*, This 28th day of June 1961, that the dates now scheduled are further extended as follows:

Exchange of Exhibits from July 3 to August 7, 1961.

Notification of witnesses desired for cross-examination from July 14 to August 18, 1961.

Hearing from July 31, to Tuesday, September 5, 1961, at 10 a.m., in the offices of the Commission, Washington, D.C.

Released: June 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6306; Filed, July 5, 1961;
8:54 a.m.]

[Docket Nos. 14163, 14164; FCC 61M-1127]

ROLLINS BROADCASTING OF DELAWARE, INC., ET AL.

Order Scheduling Hearing

In re applications of Rollins Broadcasting of Delaware, Inc., Wilmington,

Delaware, Docket No. 14163, File No. BPH-3314; Howard F. Reber and Frank A. Franco, Reading, Pennsylvania, Docket No. 14164, File No. BPH-3327; for construction permits.

It is ordered, This 29th day of June 1961, that Annie Neal Hunting will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 12, 1961, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Friday, July 28, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6307; Filed, July 5, 1961;
8:54 a.m.]

[Docket No. 14165; FCC 61M-1131]

WAEB BROADCASTERS, INC. (WAEB)

Order Scheduling Hearing

In re application of WAEB Broadcasters, Inc. (WAEB), Allentown, Pennsylvania, Docket No. 14165, File No. BP-12918; for construction permit.

It is ordered, This 29th day of June 1961, that Elizabeth C. Smith will preside at the hearing in the above-entitled proceeding which is hereby scheduled to commence on September 15, 1961, in Washington, D.C.: *And it is further ordered*, That a prehearing conference in the proceeding will be convened by the presiding officer at 9:00 a.m., Monday, July 31, 1961.

Released: June 30, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-6308; Filed, July 5, 1961;
8:54 a.m.]

[FCC 61-811]

CHIEF OF BROADCAST BUREAU

Delegation of Authority

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 28th day of June, 1961;

The Commission having under consideration its delegations of authority to the Chief of the Broadcast Bureau;

It appearing that it would be conducive to the expeditious and efficient handling of the Commission's functions and in the public interest to delegate to the Chief of the Broadcast Bureau additional authority to act on various types of applications, requests and other matters relating to broadcast services; and

It further appearing that the amendments ordered herein relate to internal Commission organization and procedure, and therefore that the provisions of section 4 of the Administrative Procedure Act are inapplicable; and

It further appearing that authority for these amendments is contained in

sections 4(i), 5(d), and 303(r) of the Communications Act of 1934, as amended;

It is ordered, That, effective July 6, 1961, sections 0.241 and 0.242 of the Commission's Statement of Organization, Delegations of Authority, and Other Information are amended as set forth below.

Released: June 29, 1961.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

Sections 0.241 and 0.242 of the Commission's Statement of Delegations of Authority are amended, as follows:

CHIEF OF BROADCAST BUREAU

SECTION 0.241 *Matters delegated.*

The Chief of the Broadcast Bureau is delegated authority to act upon applications, requests, and other matters which are not in hearing status relating to broadcast services as follows:

(a) Formal applications for broadcast services:

(1) For construction permits for new or changed standard, FM, noncommercial educational FM, television, television translator and UHF television booster broadcast facilities or modification thereof, for licenses or modification thereof or for renewal of licenses for such facilities for the normal license term, which applications comply fully with the requirements of the Communications Act and the Rules, accord with Commission policy and standards, are not mutually exclusive with any other application, and concerning which no petition to deny pursuant to § 1.359 of the Commission's rules and regulations or other substantial objection has been filed.

(2) For assignment of broadcast licenses or permits or for transfer of control of broadcast licensees or permittees, which applications comply fully with the requirements of the Communications Act and the Rules, accord with Commission policy and standards, and concerning which no petition to deny pursuant to § 1.359 of the Commission's rules and regulations or other substantial objection has been filed.

(3) For new or modified experimental, developmental, and auxiliary broadcast services covered by Part 4, or for renewal of authority for such facilities.

(4) For reinstatement of expired construction permits.

(5) For new or modified Subsidiary Communications Authorizations, or for renewal of authority for such facilities.

(b) Designate for hearing, upon appropriate issues, mutually exclusive applications for new or modified standard, FM, non-commercial FM and television facilities.

(c) Requests for temporary authority:

(1) For temporary waiver of technical operating requirements relating to overall system performance or elements thereof and rules requiring that specified items of equipment be employed.

(2) For operation with temporary antenna system.

(3) For operation with auxiliary transmitter as main transmitter.

(4) For operation with new or modified equipment pending repair of existing equipment or pending receipt and action upon a formal application.

(5) For operation with reduced power or to make other changes in operation of authorized equipment for technical reasons.

(6) For special operation necessary to facilitate equipment, program and service tests or to comply with technical requirements specified in authorizations, orders, rules or releases of the Commission.

(7) For operation with licensed, new, or modified equipment at a temporary site with a temporary antenna system when in case of an emergency it becomes impossible to continue operating at the regularly authorized site.

(8) For special operation of stations in the experimental, developmental and auxiliary broadcast services covered by Part 4.

(9) For temporary authority in emergency cases, at times outside of the regular office hours of the Commission, which require immediate action during such hours.

(d) Miscellaneous applications, requests and actions:

(1) For temporary operation, for a lesser period of time than specified by §§ 3.71, 3.261 and 3.651 of the Commission's rules and regulations, or to remain silent for temporary periods.

(2) For extension of time within which a transfer of control or assignment of license may be effectuated.

(3) For authority for FM broadcast stations to transmit multiplex facsimile in accordance with § 3.266 of the Commission's rules and regulations.

(4) For authority to rebroadcast when authorization is required under Parts 3 and 4 of the Commission's rules and regulations.

(5) For any permit required by the provisions of section 325(b) of the Communications Act.

(6) For cancellation of licenses, construction permits or other authorizations.

(7) For inspection of records under section 0.406, and withdrawal of papers in accordance with § 1.14 of the Commission's rules and regulations.

(8) For extension of time within which to file briefs and comments with respect to rule making.

(9) For conducting equipment and program tests.

(10) For operation during daytime for specified periods with the nighttime facilities in order to check measurements and operation.

(11) For extensions of time within which to comply with technical requirements specified in authorizations, orders, and rules or releases of the Commission.

(12) For television site survey.

(13) For standard broadcast special field test authorizations.

(e) Applications or requests concerning experimental or developmental broadcast stations involving:

(1) Assignment from time to time of the frequency or frequencies, power,

emission, and type of equipment to be employed by any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation with the minimum interference.

(2) Addition, modification, or coordination of programs of research or experimentation of any experimental or developmental broadcast station, so as to provide the maximum results from the experimentation which can be reasonably expected of the licensee or licensees.

(f) To withdraw authorizations for equipment and service or program tests where the terms of the construction permit have not been met.

(g) Requests for modification of tower painting and lighting specifications.

(h) To issue, in accordance with recommendations of the Chief Engineer, CONELRAD authorizations in accordance with §§ 1.68 and 2.407 of the Commission's rules and regulations.

(i) To dismiss applications without prejudice (1) where an applicant has failed to answer official correspondence or a request from the Commission for additional material as provided in § 1.312 of the Commission's rules, or (2) where an application is not timely filed under the Commission's rules in order to receive comparative consideration with an application or applications with which it is mutually exclusive.

(j) To give written consent to applicants who request authority to make minor changes in effecting transfers of control or assignment of licenses previously authorized by the Commission.

(k) To advise licensees to cease operation in the event renewal applications are not filed with the Commission prior to the expiration date of the particular license.

(l) To defer action on those renewal license applications received subsequent to the fifteenth day of the month prior to the expiration date of the particular license.

(m) To grant, for good cause shown, requests for temporary authority to continue operation for a period not to exceed 90 days, where an application for renewal of license has been filed subsequent to the expiration of the particular license.

(n) To dismiss or return applications or petitions which are not acceptable under Commission rules.

(o) To extend the time to file oppositions to petitions relating to broadcast applications not designated for hearing.

(p) To administer, interpret, and apply orders or rules of practice and procedure promulgated by the Commission relating to financial and statistical data of stations in the broadcast service and broadcast networks and chains, including applications for extension of time in which to file financial and statistical statements and reports.

(q) To declare a construction permit for a broadcast facility automatically forfeited if the station authorized by the construction permit is not ready for operation within the time specified therein or within such further time as the Commission may have allowed for completion, and if no application for extension of construction permit has been granted

by the Commission or timely filed by the permittee, and to place a notation of the forfeiture in the records of the Commission as of the expiration date of the construction permit.

(r) With respect to International Broadcasting, to act upon requests for the use of frequencies and frequency hours for transmission to specific target areas subject to the conditions set forth in the Commission's rules governing International Broadcast Stations.

(s) To determine whether an application for modification constitutes a major change in facilities, and whether an amendment to an application constitutes a major amendment; and, if so, to so designate such change or amendment.

(t) To direct standard broadcast stations to refrain from pre-sunrise operation with their daytime facilities pursuant to § 3.87 of the Commission's rules and regulations.

(u) To dismiss petitions and other pleadings which have clearly been rendered moot.

(v) To extend the time to file responses to official correspondence.

SEC. 0.242 Authority to issue orders; records of actions taken.

In matters pertaining to the authority delegated in section 0.241, the Chief of the Broadcast Bureau is authorized to make orders, including orders in letter form, for the signature of the Secretary of the Commission. All actions by the Chief of the Broadcast Bureau pursuant to the authority delegated in section 0.241 granting applications for new facilities, major modifications, renewal, and for transfer of control or assignment of license required to be filed on FCC Form 316 and designating applications for hearing shall be recorded each week in writing and filed in the official minutes of the Commission. The application and authorization files and other appropriate files of the License Division of the Broadcast Bureau are designated as the official minutes of all other actions taken by the Chief of the Broadcast Bureau pursuant to the authority delegated in section 0.241. The authorizations and orders issued by the Broadcast Bureau in accordance with its assigned functions and the delegations of authority shall bear the seal of the Commission and the signature of its Secretary.

[F.R. Doc. 61-6309; Filed, July 5, 1961; 8:55 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18799]

CITIES SERVICE GAS CO.

Order Fixing Date of Hearing and Prescribing Procedure

JUNE 28, 1961.

By order issued March 27, 1961 in the above-designated proceeding, the Commission approved a rate settlement agreement which reduced Cities Service Gas Company's (Cities Service) filed annual increase in rates from \$10,512,300 to \$5,048,453. The settlement agreement and the Commission order reserved for future determination the proper amount

of Federal income tax allowance to be included in the cost of service underlying the settlement agreement. The Commission's order of March 27, 1961, stated that "a hearing as to this issue will be held as soon as practicable." It is appropriate that provision now be made for such hearing.

The Commission orders:

(A) A public hearing shall be held on July 19, 1961, at 10:00 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the lawfulness of the rates, charges, classifications, and services contained in Cities Service's revised tariff sheets in the proceedings in Docket No. G-18799 to the extent that the lawfulness of such rates, charges, classifications and services is, or may be, affected by a determination of the issue of the proper amount of Federal income tax allowance to be included in the cost of service underlying the settlement agreement hereinabove referred to.

(B) At the commencement of the hearing on July 19, 1961, Cities Service shall introduce into the record its case-in-chief in respect to the issue set forth in Paragraph (A) hereof.

(C) Immediately following the introduction of Cities Service's case-in-chief on July 19, 1961, Commission staff and all other parties desirous of submitting a direct case into the record with respect to such issue shall do so. Thereafter, the presiding examiner shall exercise control of the progress of the hearing and shall grant such recesses and specify such procedures as may be authorized by the Commission's rules of practice and procedure.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6239; Filed, July 5, 1961;
8:45 a.m.]

[Docket No. RI61-547]

SINCLAIR OIL & GAS CO. ET AL.

Order Accepting Filings and Providing Hearing on and Suspension of Proposed Change in Rate

JUNE 28, 1961.

On May 29, 1961, Sinclair Oil & Gas Company, et al. (Sinclair)¹ retendered for filing its FPC Gas Rate Schedule No. 20 and Supplement Nos. 1 and 2 thereto. These filings concern the sale of gas to Northern Utilities Company (Northern Utilities) from the Sand Draw Field, Fremont County, Wyoming. The original rate schedule, effective as of June 7, 1954, provided for a rate of 6.5 cents per Mcf.² Supplement No. 1, providing for an increased rate of 7.5 cents per Mcf, was filed on December 1, 1954, and became effective as of January 1, 1955. Supplement No. 2, containing a proposed increased rate of 13.0 cents per Mcf,³ was filed on March 2, 1961. By letter of March 31, 1961, the Commission rejected

said filings for lack of jurisdiction. However, it later appeared that the sale may be jurisdictional, and by letter of May 24, 1961, the Commission requested resubmission of said filings. The recently retendered filings should be accepted subject to, among other things, later determination of jurisdiction.

Northern Utilities, on June 15, 1961, requested that even if the sale may be jurisdictional, Supplement No. 2 should be rejected as a unilateral rate increase filing contrary to the governing contract. The contractual rights of the parties, determinative of this matter, are presently being litigated in Northern Utilities Company v. Sinclair Oil & Gas Company, No. 4513, in the United States District Court for the District of Wyoming. The rights of all the parties are best protected if we accept said supplement for filing, but suspend it, without prejudging or in any manner determining the issues in the pending litigation. Since Supplement No. 2 was originally filed March 2, 1961, it seems equitable to suspend said filing for five months after 30 days from that date. The other filings should be given their original dates of effectiveness.

The proposed change may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) Sinclair's FPC Gas Rate Schedule No. 20 and Supplement Nos. 1 and 2 thereto should be accepted for filing; and said rate schedule and the first supplement should take their original effective dates of June 7, 1954 and January 1, 1955, respectively.

(2) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the proposed change and that Sinclair's said Supplement No. 2 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Sinclair's FPC Gas Rate Schedule No. 20 and Supplement Nos. 1 and 2 thereto are accepted for filing; subject to later Commission determination of jurisdiction; and said rate schedule and the first supplement are effective as of June 7, 1954, and January 1, 1955, respectively.

(B) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing shall be held upon a date to be fixed by a notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 2 to Sinclair's FPC Gas Rate Schedule No. 20.

(C) Said acceptance of the filings and said suspension are without prejudice to, and are not to be deemed in any way determinative of the issues in, the above-described litigation between Northern Utilities and Sinclair.

(D) Pending hearing and decision thereon, said supplement is hereby suspended and the use thereof deferred until September 2, 1961, and until such

further time as it is made effective in the manner prescribed by the Natural Gas Act.

(E) Neither the supplement hereby suspended, nor the rate schedule sought to be altered thereby, shall be changed until the period of suspension has expired, unless otherwise ordered by the Commission.

(F) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37(f)) on or before August 10, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6340; Filed, July 5, 1961;
8:45 a.m.]

[Docket Nos. G-8488 et al.]

SOHIO PETROLEUM CO. ET AL.

Order Granting Continuance

JUNE 28, 1961.

On June 8, 1961, the presiding examiner in these consolidated proceedings certified to the Commission a request that the hearing be continued until September 6, 1961. The proposed continuance, requested by Sohio Petroleum Company (Sohio) and not opposed by any party, provides for service of Sohio's prepared rebuttal testimony and exhibits on or before July 25, 1961, and reconvening of the hearing on September 6, 1961, for the purpose of cross-examination thereof. As grounds Sohio states that the time is required to complete preparation of "quite extensive" rebuttal materials, as well as preparation of cross-examination.

The Commission finds: Inasmuch as the continuance requested by Sohio exceeds the discretionary period within which the presiding examiner may grant a continuance without the approval of the Commission, and good cause having been shown, the postponement requested should be granted.

The Commission orders: The motion by Sohio made on the record in these proceedings on June 7, 1961, requesting a continuance to September 6, 1961, be and hereby is granted.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6241; Filed, July 5, 1961;
8:45 a.m.]

[Docket No. RP61-15]

TEXAS GAS TRANSMISSION CORP.

Notice of Postponement of Hearing

JUNE 28, 1961.

Upon consideration of the request filed June 26, 1961 by Counsel for Texas Gas Transmission Corporation for postponement of the hearing now scheduled for July 18, 1961 in the above-designated matter;

The hearing now scheduled for July 18, 1961 is hereby postponed to July 25,

¹ P.O. Box 521, Tulsa, Okla.

² The pressure base is 15.025 psia.

³ The annual increase in charges will amount to \$202,422.

1961, at 10:00 a.m., e.d.s.t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D.C.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-6242; Filed, July 5, 1961;
8:45 a.m.]

FEDERAL RESERVE SYSTEM

CONTINENTAL BANK AND TRUST CO.

Order To Show Cause and for Hearing Thereon

In the matter of The Continental Bank and Trust Company, Salt Lake City, Utah.

On June 29, 1956, by notice and order for hearing, the Board of Governors of the Federal Reserve System instituted this proceeding for the purpose of determining:

a. The adequacy or inadequacy of the net capital stock and surplus of The Continental Bank and Trust Company in relation to the character and condition of its assets and to its present and prospective deposit liabilities and its other corporate responsibilities; and

b. What net additional amount, if any, of capital funds is needed by The Continental Bank and Trust Company to have an adequate capital structure; and

c. What is a reasonable period of time to allow The Continental Bank and Trust Company to effect any increase of its capital funds as may be found to be needed to make them adequate before being required by the Board of Governors to surrender its capital stock in the Federal Reserve Bank of San Francisco and to forfeit all its rights and privileges of membership in the Federal Reserve System for failure to do so.

The Continental Bank and Trust Company of Salt Lake City, Utah, hereinafter called the respondent, failed in its attempt to enjoin the holding of the hearing thus ordered by the Board of Governors. In affirming the decision of the United States District Court for Utah, Central Division, dismissing the action, the United States Court of Appeals for the 10th Circuit stated in part:

The scheduled hearing was intended and designed to ascertain whether the Bank had failed and was continuing to fail to meet the requirements of the Act and the regulation, if so what should be done to bring its condition into compliance with the Act and the regulation in respect to capital adequacy, and in the event of continued failure to meet the requirements of the Act and the regulation whether the Bank should cease to be a member of the Federal Reserve System. That being its purpose, the hearing was within the purview of the Act and the regulation, considered in their entirety * * * The Board was clothed with power to order the hearing.

Continental Bank and Trust Company of Salt Lake City v. Woodall, 239 F. 2d 707, 710, 10th Cir. 1957, cert. den. 353 U.S. 909.

The hearing on this proceeding thereafter went forward and the record thereof was submitted to the Board of Governors and by order and statement of July 18, 1960, the Board of Governors found:

* * * that the net capital and surplus funds of the Bank are inadequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and that such inadequacy in an amount of not less than \$1,500,000 shows no likelihood of being corrected within a reasonable time by retained earnings.

Accordingly, the Board ordered that within six months from July 18, 1960, the respondent, by the sale of common stock for cash, effect an increase in its net capital and surplus funds in the amount of not less than \$1,500,000.

On September 19, 1960, respondent filed an action in the United States District Court for the District of Columbia seeking to review and set aside the Board's July 18, 1960, order and seeking to enjoin the Board from taking any action in this proceeding to enforce its July 18, 1960 order.

At respondent's request the Board by letter of October 12, 1960, voluntarily agreed that it would "take no administrative action to enforce its order of July 18, 1960, pending determination by the United States District Court of the issues raised in the suit now before it."

On June 27, 1961, the United States District Court completed its determination of respondent's suit before it by granting the Board's motion to dismiss on the ground that the Court lacked jurisdiction of the subject matter of respondent's action because:

a. The Board's July 18, 1960, order was not its final agency action in this proceeding;

b. Respondent has not yet exhausted its administrative remedies in this proceeding; and

c. Respondent's complaint failed to state a claim upon which judicial relief could be granted.

The six months period from July 18, 1960, within which the Board's order required respondent to increase its capital expired January 18, 1961, during the pendency of respondent's suit before the United States District Court for the District of Columbia.

It appears to the Board that in failing to comply with the July 18, 1960 order herein the respondent has failed to comply with section 9 of the Federal Reserve Act and, in particular, has failed to comply with respondent's Condition of Membership No. 2 imposed by the Board pursuant to section 9 of the Federal Reserve Act, which Condition of Membership requires that:

The net capital and surplus funds of such bank (respondent) shall be adequate in relation to the character and condition of its assets and to its deposit liabilities and other corporate responsibilities, and its capital shall not be reduced except with the permission of the Board of Governors of the Federal Reserve System.

Accordingly, it is hereby ordered:

1. That a hearing be held at which the respondent shall show cause why the Board should not require it to surrender its stock in the Federal Reserve Bank of San Francisco and to forfeit all rights and privileges of membership in the Federal Reserve System for failure to comply with said Condition No. 2 of respondent's membership.

2. That the said hearing in the proceeding be held in accord with the requirements of paragraph 9 of section 9 of the Federal Reserve Act (12 USC sec. 327) commencing at 10:00 a.m. on September 6, 1961, in the offices of the Salt Lake City, Utah, Branch of the Federal Reserve Bank of San Francisco, 120 South State Street, Salt Lake City, Utah, for the purpose of taking evidence from witnesses for the respondent and from witnesses for the Board on all issues of fact that may be involved in this show cause order, which evidence the Board will consider in arriving at its final decision in this proceeding.

3. That the hearing be held before a trial examiner to be designated by the Civil Service Commission and appointed by the Board in accord with the provisions of section 11 of the Administrative Procedure Act of 1946, as amended (5 U.S.C. sec. 1010), and that the hearing, and the proceedings following the hearing, be conducted in accord with the applicable requirements of that Act and the Rules of Practice for Formal Hearings, of the Rules of Procedure of The Board of Governors of the Federal Reserve System (12 CFR 263).

4. That in accord with Rule III(b) of the aforesaid rules of practice, and except as otherwise hereafter ordered by the Board, the hearing before the trial examiner will be private, attended only by the representatives, counsel and witnesses of The Continental Bank and Trust Company, and of the Board of Governors of the Federal Reserve System, unless The Continental Bank and Trust Company makes a written request to the Board of Governors that other persons be permitted to attend or that the hearing be made public, in which event such request will be granted.

5. That authority is granted under section 8(a) of the Rules of Organization of the Board of Governors of the Federal Reserve System to disclose and introduce as evidence in this proceeding reports of examinations of The Continental Bank and Trust Company made by examiners of the Federal Reserve Bank of San Francisco: provided, neither the names nor the identities of persons indebted to The Continental Bank and Trust Company shall be in any way disclosed or introduced in evidence.

6. That a certified copy of this Order be forthwith served upon the respondent by postage prepaid, registered mail, with return receipt.

Dated at Washington, D.C., this 28th day of June 1961.

By order of the Board of Governors.¹

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6243; Filed, July 5, 1961;
8:45 a.m.]

¹ Governor Robertson took no part in the Board's consideration of this matter or in the Board's action of this date, having voluntarily withdrawn from participation in the matter for the reasons set forth in the Statement issued by him on June 30, 1959, and made a part of the record in these proceedings.

MONTANA SHARES, INC.

Order Granting Determination Under Bank Holding Company Act

In the matter of the request of Montana Shares, Incorporated, Havre, Montana, pursuant to section 4(c) of the Bank Holding Company Act of 1956, for determination regarding the activities of Montana Agencies and Liberty Corporation (Docket No. BHC-60, Montana Agencies; Docket No. BHC-61, Liberty Corporation).

Montana Shares, Incorporated, Havre, Montana, a bank holding company within the meaning of section 2(a) of the Bank Holding Company Act of 1956 (12 U.S.C. section 1843), has filed a request for a determination by the Board of Governors of the Federal Reserve System that the corporations known as Montana Agencies and Liberty Corporation and their activities are of the kind described in section 4(c) (6) of the Act and § 222.5(b) of the Board's Regulation Y (12 CFR 222.5(b)), so as to make it unnecessary for the prohibitions of section 4 of the Act with respect to acquisition and retention of shares in nonbanking organizations to apply in order to carry out the purposes of the Act.

A hearing having been held pursuant to section 4(c) (6) of the Act and in accordance with §§ 222.5(b) and 222.7 (a) of the Board's Regulation Y (12 CFR 222.5(b) and 222.7(a)); a brief in support of its request having been filed by Montana Shares, Incorporated; the hearing having been reopened by the Hearing Examiner pursuant to stipulation between counsel for the Board and counsel for Montana Shares, Incorporated, for the purpose of receiving a supplemental affidavit by Mr. Charles W. Rubie, President of Montana Shares Incorporated; the Hearing Examiner having filed on March 24, 1961, his Report and Recommended Decision¹ wherein he recommended that the request with respect to Montana Agencies and Liberty Corporation be approved; the time for filing with the Board exceptions and brief to the recommended decision of the Hearing Examiner having expired and no exceptions having been filed; the Board having given due consideration to all relevant aspects of the matter; and all such steps having been taken in accordance with the Board's Rules of Practice for Formal Hearings (12 CFR 263);

It is hereby ordered, For the reasons set forth in the accompanying Statement¹ of the Board of this date, that

1. Montana Agencies and its proposed activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to

Montana Agencies shall be, and hereby is, granted; and

2. Liberty Corporation and its proposed insurance activities are determined to be so closely related to the business of banking or of managing or controlling banks as to be a proper incident thereto and as to make it unnecessary for the prohibitions of section 4 of the Bank Holding Company Act of 1956 to apply in order to carry out the purposes of that Act, and, therefore, Applicant's request with respect to Liberty Corporation shall be, and hereby is, granted: *Provided*, That prior to acquisition of shares in Liberty Corporation by Applicant, the partnership in which Liberty Corporation will own a 25 percent interest shall have divested itself of ownership of the dwelling described in the Board's accompanying Statement of this date, so that Liberty Corporation shall not participate in any activity other than the general insurance business after such acquisition, and

Provided further, That this determination shall be subject to revocation by the Board if the facts upon which they are based should substantially change in such a manner as to make the reasons for such determinations no longer applicable.

Dated at Washington, D.C., this 29th day of June 1961.

By order of the Board of Governors.

[SEAL]

MERRITT SHERMAN,
Secretary.

[F.R. Doc. 61-6244; Filed, July 5, 1961;
8:45 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 384]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 409 (Sub No. 7), filed March 27, 1961. Applicant: O. E. POULSON, INC., Elm Creek, Nebr. Applicant's attorney: Einar Viren, 904 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fats, lards,*

tallow, greases, oils, and blends thereof, from points in Nebraska, South Dakota, Iowa on and west of U.S. Highway 69, points in Kansas on and north of U.S. Highway 40, points in Colorado east of the Continental Divide, and those in Wyoming on and east of U.S. Highway 85, to barge loading terminals at or near Omaha and Nebraska City, Nebr., and Sioux City, Iowa; and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, and *rejected and contaminated shipments*, from barge loading terminals at or near Omaha and Nebraska City, Nebr., and Sioux City, Iowa, to the above-specified origin points.

HEARING: September 12, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 2202 (Sub No. 211), filed May 26, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron 9, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), between East St. Louis, Ill., and Evansville, Ind.: From the junction of U.S. Highway 50 and U.S. Highway 460 at East St. Louis, Ill., over U.S. Highway 460 to junction of U.S. Highway 460 and U.S. Highway 41 at Evansville, Ind., and return over the same route, with no service at any intermediate point, as an alternate route for operating convenience only.

HEARING: September 12, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 160.

No. MC 2202 (Sub No. 212), filed May 26, 1961. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, Akron, Ohio. Applicant's attorney: William O. Turney, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving the Commercial Zone of Madison, Ind., as defined by the Commission as an off-route point in connection with applicant's authorized regular route operations between Cincinnati, Ohio, and St. Louis, Mo.

HEARING: September 13, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 155.

No. MC 2392 (Sub No. 22), filed April 14, 1961. Applicant: WHEELER TRANSPORT SERVICE, INC., Genoa, Nebr. Applicant's attorney: R. E. Powell, 1005-06 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the site or sites and loading terminal of the Northern Gas Products Liquids Recovery Company plant at or

¹ Filed as part of the original document. Copies available upon request to the Board of Governors of the Federal Reserve System, Washington 25, D.C., or to the Federal Reserve Bank of Minneapolis.

near Bushton, Kans. to points in Nebraska, and (2) from the site or sites or loading terminal of the Northern Gas Products Liquids Recovery Company plant at or near Plattsmouth, Nebr., to points in Kansas, Missouri, Iowa, and South Dakota, and *damaged and rejected shipments* of the commodity specified above, on return.

HEARING: September 14, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 4941 (Sub No. 11) (CORRECTION), filed June 6, 1961, published issue of June 21, 1961, and corrected as published this issue. Applicant: QUINN FREIGHT LINES, INC., 1093 North Montello Street, Brockton, Mass. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. The purpose of this republication is to show applicant's correct address as *Brockton, Mass.*, inadvertently shown as *Rockton, Mass.*, in previous publication.

HEARING: Remains as assigned July 21, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo A. Riegel.

No. MC 6264 (Sub No. 5), filed May 15, 1961. Applicant: LEWIS W. GROOM, doing business as L. & N. Transfer, Route No. 1, Cassville, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including *household goods* (excluding articles of unusual value, Classes A and B explosives, commodities in bulk, and those requiring special equipment), between Dubuque, Iowa, and Fennimore and Patch Grove, Wis., as follows: (1) From Dubuque over U.S. Highway 61 to junction Wisconsin Highway 129, thence over Wisconsin Highway 129 to junction U.S. Highway 61, thence over U.S. Highway 61 to Fennimore; return over U.S. Highway 61 to junction Wisconsin Highway 81, thence over Wisconsin Highway 81 to Cassville, Wis.; and (2) from junction Wisconsin Highways 81 and 35 over Wisconsin Highway 35 to Patch Grove; return over Wisconsin Highway 35 to junction Wisconsin Highway 133, thence over Wisconsin Highway 133 to North Andover, Wis., and return over the above routes, serving all intermediate points.

NOTE: Any duplication with present authority to be eliminated.

HEARING: September 21, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 111.

No. MC 10115 (Sub No. 8), filed June 1, 1961. Applicant: CALVIN D. ZIMMERMAN, Mifflin, Pa. Applicant's attorney: John A. R. Welsh, Mifflintown, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Firebrick, fireclay and refractory products*, from the plant site of General Refractories Company, in Westmoreland County, Pa., to points in New York State and points in Bergen, Passaic, Essex, Hudson, Union, Middlesex, Morris, Hunterdon, Somerset, and Warren Counties, N.J., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

HEARING: September 20, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 13659 (Sub No. 11), filed May 1, 1961. Applicant: PALMER TRANSFER, INC., Moscow, Pa. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ice cream mix*, in bulk, in tank vehicles, from Dushore, Pa., to Southbury, Conn.

HEARING: October 5, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 21996 (Sub No. 2), filed May 4, 1961. Applicant: HAROLD E. WILLIAMS, doing business as RELIABLE TRANSFER, 100 West Peter Street, Uniontown, Pa. Applicant's attorney: Jerome Solomon, 1325-27 Grant Building, Pittsburgh, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products* (as defined in *Descriptions of Motor Carrier Certificates*, 61 M.C.C. 209 as amended at 61 M.C.C. 766, Appendix I, as amended), from Uniontown, Connellsville, and Greensburg, Pa., to points in Pennsylvania on and south of U.S. Highway 322 and on and west of U.S. Highway 219 and points in Tucker County, W. Va., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, and *rejected, refused and damaged shipments*, on return.

HEARING: September 18, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 25798 (Sub No. 44), filed May 1, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Route No. 1, P.O. Box 1290, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, 1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits*, and *frozen fruits in mixed shipments with frozen eggs and frozen pecans*, between points in Alabama, Arkansas, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: October 3, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 25798 (Sub-No. 45), filed June 30, 1961. Applicant: CLAY HYDER TRUCKING LINES, INC., Chimney Rock Highway, Route No. 1, P.O. Box 1290, Hendersonville, N.C. Applicant's attorney: Thomas F. Kilroy, Suite 610-1000 Connecticut Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate coating com-*

pounds, in bulk, in tank vehicles, (1) from Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee, and Texas, and (2) from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas, and Virginia.

HEARING: July 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 29886 (Sub-No. 178), filed April 24, 1961. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni (same as above). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks and Buses*, in initial movements in driveway and truckaway service, *parts and accessories thereof*, and *show paraphernalia and equipment when moving at the same time and in the same vehicle therewith*, from Montpelier, Ohio, to points in the United States, including Alaska, but excluding Hawaii, and *rejected, damaged and returned shipments*, on return.

HEARING: September 27, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 30887 (Sub No. 107) (AMENDMENT), filed May 1, 1961, published issue of May 10, 1961, amended June 27, 1961, and republished as amended this issue. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisters-town, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour mix and prepared flour*, in bulk, in tank or hopper type vehicles, from Ellicott City, Md., to points in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

NOTE: The subject amendment clarifies the commodities to be transported.

HEARING: Remains as reassigned July 26, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 42261 (Sub No. 55), filed June 23, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's representative: Daniel J. Sweeney, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, in tank and hopper type vehicles, from Josephtown and Palmerton, Pa., to Baltimore, Md., and *returned and rejected shipments*, on return.

HEARING: July 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 42261 (Sub No. 56), filed June 28, 1961. Applicant: LANGER TRANSPORT CORP., Route 1, Foot of Danforth Avenue, Jersey City, N.J. Applicant's attorney: Charles J. Williams,

1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chocolate and chocolate coating compounds*, in bulk, in tank vehicles, (1) from Philadelphia, Pa., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, South Carolina, Tennessee and Texas, and (2) from Jersey City, N.J., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, North Carolina, South Carolina, Tennessee, Texas and Virginia, and *returned and rejected shipments* of the above-specified commodities, on return.

HEARING: July 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 47323 (Sub No. 6), filed May 12, 1961. Applicant: TAJON TRUCKING CO., Route 5, Mercer, Pa. Applicant's attorney: Donald E. Cross, 919 Munsey Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime*, in barrels or bags, in bulk, in dump vehicles, and in bulk in pneumatic tank trailers, from Springfield, Ohio to points in Alabama, Delaware, Georgia, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Mississippi, Missouri, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, on return.

HEARING: September 27, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 48807 (Sub No. 3), filed March 28, 1961. Applicant: NEAL STONEHILL, doing business as STONEHILL EXPRESS CO., 2214 Gould Court, Cleveland 13, Ohio. Applicant's representative: J. J. Kuhner, Society National Bank Building, Cleveland 14, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rubber products and such accessories as are dealt in by manufacturers of rubber goods*; from Fort Wayne, Ind., to Decatur, Moline, Peoria, Quincy, Rock Island, and Springfield, Ill., and points in Iowa, and those in that part of Nebraska on and east of Nebraska Highway 14, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 25, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 48958 (Sub No. 54), filed February 6, 1961. Applicant: ILLINOIS-CALIFORNIA EXPRESS, INC., 510 East 51st Avenue, Denver 16, Colo. Applicant's attorney: Morris G. Cobb (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities and Classes A and B explosives* (except household goods as defined by the Commission,

commodities in bulk, those of unusual value, those requiring special equipment, and those injurious or contaminating to other lading), between Plainview, Tex., and junction of Texas Farm or Ranch Road 400 with U.S. Highways 62 and 82 near Idalou, Tex.; from Plainview over Texas Farm or Ranch Road 400 to its intersection with U.S. Highways 62 and 82 near Idalou, Tex., and return over the same route, serving all intermediate points.

HEARING: September 29, 1961, at the Caprock Hotel, Lubbock, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 58212 (Sub No. 21), filed April 12, 1961. Applicant: MAAS TRANSPORT INC., U.S. No. 2 North, Williston, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Lumber, lumber products, posts and poles*, from points in Montana on and west of U.S. Highway 89, and points in Idaho north of the Salmon River, to points in North Dakota, and (2) *Finished hardwood lumber products*, from Fargo, N. Dak. and points within ten (10) miles thereof to points in Montana.

Hearing: September 28, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 60014 (Sub No. 7), filed June 16, 1961. Applicant: AERO TRUCKING, INC., Box 278, R.D. 1, Oakdale, Pa. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement pipe, with asbestos fibre, also fittings and bonding mortar when transported with pipe*, from Waukegan, Ill., to points in Montana, Wyoming, Colorado, North Dakota, South Dakota, Nebraska, Kansas, Minnesota, Iowa, Missouri, Arkansas, Wisconsin, Michigan, Indiana, Kentucky, Tennessee, Virginia, Massachusetts, New Jersey, New York, the District of Columbia, and points in Pennsylvania east of U.S. Highway 15.

HEARING: September 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John B. Mealy.

No. MC 61403 (Sub No. 65), filed May 25, 1961. Applicant: THE MASON AND DIXON TANK LINES, INC., Wilcox Drive, Kingsport, Tenn. Applicant's attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, between St. Paul, Minn., and points within 15 miles thereof, on the one hand, and, on the other, points in Alabama.

HEARING: September 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo M. Pellerzi.

No. MC 66562 (Sub No. 1801) (CLARIFICATION), filed March 31, 1961, published in the FEDERAL REGISTER, issue of April 12, 1961, clarified by letter dated June 23, 1961, republished as clarified,

this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Philadelphia, Pa. and Dover, Del.; from Philadelphia over city streets and Industrial Highway to Chester, Pa., thence over Pennsylvania Highway 291 to junction U.S. Highway 13, thence south over U.S. Highway 13 to Claymont, Del., thence over Alternate U.S. Highway 13 (Governor Printz Boulevard) to Wilmington, Del., thence south over U.S. Highway 13 to Dover, Del., and return over the same route, serving no intermediate points; and (2) between Washington, D.C., and Dover, Del.; from Washington over city streets to U.S. Highway 50, thence over U.S. Highway 50 to junction U.S. Highway 301-50, thence over U.S. Highway 301-50 over Bay Bridge to junction U.S. Highway 301, thence over U.S. Highway 301 to junction Maryland Highway 300, thence over Maryland Highway 300 to junction Delaware Highway 44, thence easterly over Delaware Highway 44 to junction Delaware Highway 8, thence over Delaware Highway 8 to Dover, Del., and return over the same route, serving no intermediate points. **RESTRICTIONS:** The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

NOTE: This republication clarifies the route to be used in (2) above by the addition of U.S. Highway 50.

HEARING: September 29, 1961, in Room 300, U.S. Custom House and Appraisers' Stores, Second and Chestnut Streets, Philadelphia, Pa., before Examiner A. Lane Cricher.

No. MC 75830 (Sub No. 5), filed May 24, 1961. Applicant: INTER-CITY TRANSPORT & MOTOR COMPANY, Box 88, Liggett Avenue, Buckingham, W. Va. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such merchandise as is dealt in by chain retail variety stores, and materials, equipment, and supplies used in the conduct of such business houses, and empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, between McKeesport, Pa., on the one hand, and, on the other, points in Tennessee and West Memphis, Ark.

NOTE: Applicant states the proposed service will be limited to transportation service to be performed under a continuing contract or contracts with G. C. Murphy Company, McKeesport, Pa.

HEARING: September 21, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 82079 (Sub No. 3), filed May 17, 1961. Applicant: KELLER TRANS-

FER LINE, INC., 1239 Randolph SW., Grand Rapids, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour*, in bulk, between points in Illinois, Indiana, and Michigan, and points in Ohio along and north of U.S. Highway 30-30S.

HEARING: September 28, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Leo M. Pellerzi.

No. MC 92983 (Sub No. 395), filed June 22, 1961. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats and oils*, in bulk, in tank vehicles, from points in California to Iowa City, Iowa.

HEARING: July 28, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 95212 (Sub No. 32), filed May 1, 1961. Applicant: HELEN R. HENDERSON, doing business as H. R. HENDERSON, P.O. Box 327, Seneca, Ill. Applicant's attorney: Joseph M. Scanlon, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, other than in bulk; from points in La Salle County, Ill., to points in Kentucky, Iowa, Minnesota, Missouri, Ohio, Indiana, and Wisconsin, and *empty containers or other such incidental facilities*, used in transporting the above-described commodity, on return.

HEARING: October 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 102597 (Sub No. 9), filed March 2, 1961. Applicant: C. A. MUCK doing business as MUCK TRANSFER, Hettinger, N. Dak. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, bulk liquids, farm machinery and household goods, as defined by the Commission), between Hettinger, New England, Mott and Bowman, N. Dak., and points in North Dakota within 35 miles of each, on the one hand, and, on the other, points in South Dakota on and west of South Dakota Highway 65 and on and north of U.S. Highway 212.

HEARING: September 29, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 158.

No. MC 103880 (Sub No. 227), filed May 15, 1961. Applicant: PRODUCERS TRANSPORT, INC., 224 Buffalo Street, New Buffalo, Mich. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, between points in Nebraska, Iowa, Kansas, Missouri, South Dakota, North Dakota, Illinois, Wisconsin, and Minnesota.

NOTE: Common control may be involved.

HEARING: September 14, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 105461 (Sub No. 33), filed May 29, 1961. Applicant: BENJAMIN H. HERR, doing business as HERR'S MOTOR EXPRESS, Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Grass stop*, in rolls, *metal stove shovels*, and *building materials* made of sheet metals, from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Vermont, New Hampshire, Maine, Massachusetts, and Rhode Island.

HEARING: September 7, 1961, at Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner John L. York.

No. MC 106223 (Sub No. 59), filed June 8, 1961. Applicant: GREENLEAF MOTOR EXPRESS, INC., 4606 State Avenue, Ashtabula, Ohio. Applicant's attorney: Edwin C. Reminger, 75 Public Square, Suite 1316, Cleveland 13, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Foundry core compound*, liquid, in bulk, in tank vehicles, from Madison, Ohio to Louisville, Ky., and points in Illinois, Indiana, and Michigan.

NOTE: Applicant states that no duplication of authority is sought.

HEARING: September 26, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 107010 (Sub No. 7), filed April 17, 1961. Applicant: RALPH E. DARLING, doing business as DARLING TRANSPORT SERVICE, Auburn, Nebr. Applicant's attorney: R. E. Powell, 1005-1006 Trust Building, Lincoln, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, (1) from the plant site or sites and loading terminal of the Northern Gas Products Liquids Recovery Company at or near Bushton, Kans., to points in Nebraska; and (2) from the plant site or sites and loading terminal of the Northern Gas Products Liquids Recovery Company at or near Plattsmouth, Nebr., to points in Kansas, Missouri, Iowa, and South Dakota; and *damaged and rejected shipments* of the above-named commodity, from the above-specified destination points to the above-described origin points.

NOTE: Common control may be involved.

HEARING: September 14, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 107403 (Sub No. 343), filed June 23, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Shertz, Barnes, and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Zinc oxide*, dry, in bulk, in tank and hopper

vehicles, from Josephstown and Palmerton, Pa., to Baltimore, Md.

HEARING: July 10, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 107496 (Sub No. 194), filed May 19, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Applicant's attorney: H. L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar*, in bulk, in tank vehicles, from Grimes, Iowa, to points in Nebraska, Missouri, and Minnesota.

NOTE: Applicant has pending contract applications in MC 119136 and Subs thereunder, therefore, dual operations may be involved. Common control may be involved.

HEARING: September 18, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 107496 (Sub No. 196), filed May 23, 1961. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, P.O. Box 855, Des Moines, Iowa. Applicant's attorney: Henry L. Fabritz (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fats, tallow, oils, lards and greases*, in bulk, in tank vehicles, from points in North Dakota, South Dakota, Nebraska, Kansas, Missouri, Iowa, Minnesota, Wisconsin, and Illinois, to Nebraska City and Omaha, Nebr.

NOTE: Applicant states it will also serve barge loading sites at or near Nebraska City and Omaha, Nebr. Applicant has pending contract carrier applications in MC 119136 and Subs thereunder, therefore, dual operations may be involved.

HEARING: September 19, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 107500 (Sub No. 60), filed June 16, 1961. Applicant: BURLINGTON TRUCK LINES, INC., 547 West Jackson Boulevard, Chicago 6, Ill. Applicant's attorney: G. W. Unverzagt, 547 West Jackson Boulevard, Chicago 6, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment, and those injurious or contaminating to other lading), between Albia and Centerville, Iowa; from Albia over Iowa Highway 60 to Centerville and return over the same route, serving the intermediate point of Moravia, Iowa.

NOTE: Common control may be involved.

HEARING: September 12, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 108449 (Sub No. 124), filed June 14, 1961. Applicant: INDIAN-HEAD TRUCK LINE, INC., 1947 West

County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Pipeline terminals of the Mid-America Pipeline Company located in Iowa (other than Sanborn and Iowa City, Iowa), to points in Iowa, Minnesota, South Dakota, and Nebraska, and *rejected and returned shipments* of the above-specified commodity, on return.

HEARING: September 20, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 108937 (Sub No. 20), filed June 12, 1961. Applicant: MURPHY MOTOR FREIGHT LINES, INC., 965 Eustis Street, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), (1) between Minneapolis and St. Paul, Minn., and Redwood Falls, Minn.; from St. Paul over city streets to Minneapolis, thence over U.S. Highway 212 to junction Minnesota Highway 5, thence over Minnesota Highway 5 to junction Minnesota Highway 19 at Gaylord, Minn., thence over Minnesota Highway 19 through Winthrop, Minn. to Redwood Falls, and return over the same route, serving the intermediate points of Hamburg, Green Isle, Arlington, Gaylord, Winthrop, Gibbon, Fairfax, and Franklin, Minn. (2) Between Granite Falls, Minn., and Clarkfield, Minn.; from Granite Falls over Minnesota Highway 67 to Clarkfield, and return over the same route, serving the off-route point of Hazel Run. (3) Between Montevideo, Minn., and Dawson, Minn.; from Montevideo over U.S. Highway 212 to Dawson, and return over the same route, serving no intermediate points. (4) Between Glencoe, Minn. and Green Isle, Minn.; from Glencoe over county roads to Green Isle, thence over Minnesota Highway 5 to Hamburg, Minn., thence over county roads to Glencoe, serving the intermediate point of Hamburg. (5) Between Albert Lea, Minn. and Emmons, Minn.; from Albert Lea over U.S. Highway 69 to Emmons, and return over the same route, serving the intermediate point of Twin Lakes, Minn. (6) Between Winthrop, Minn., and Dunnell, Minn.; from Winthrop over Minnesota Highway 15 to junction Minnesota Highway 60 at Madelia, Minn., thence over Minnesota Highway 60 to junction Minnesota Highway 4 at St. James, Minn., thence over Minnesota Highway 4 to Dunnell, and return over the same route, serving the intermediate points of Lafayette, Klossner, Searles, Echols, Ormsby, and Trimont, Minn., and the off-route points of Hanska and LaSalle, Minn. (7) Between Redwood Falls, Minn., and Echo, Minn.; from Redwood Falls over county roads to Echo (also from Redwood Falls over

Minnesota Highway 19 to junction Minnesota Highway 67, thence over Minnesota Highway 67 to Echo), and return over the same routes, serving the intermediate points of North Redwood, Delhi, and Belview, Minn. (8) Between Granite Falls, Minn., and Echo, Minn.; from Granite Falls over Minnesota Highway 67 to Echo, and return over the same route, serving no intermediate points. (9) Between Granite Falls, Minn. and Wood Lake, Minn.; from Granite Falls over Minnesota Highway 67 to junction Minnesota Highway 274, thence over Minnesota Highway 274 to Wood Lake, and return over the same route, serving no intermediate points. (10) Between Granite Falls, Minn. and Hanley Falls, Minn.; from Granite Falls over Minnesota Highway 23 to Hanley Falls, and return over the same route, serving no intermediate points. (11) Between Echo, Minn., and Hanley Falls, Minn.; from Echo over county roads through Wood Lake, Minn., to Hanley Falls, and return over the same route, serving the intermediate point of Wood Lake. (12) Between Clarkfield, Minn., and Boyd, Minn.; from Clarkfield over U.S. Highway 59 to junction unmarked county road, thence over unmarked county road to Boyd (also from Clarkfield over Minnesota Highway 67 to junction unmarked county road, thence over unmarked county road to Boyd), and return over the same routes, serving no intermediate points. (13) Between Montevideo, Minn., and Boyd, Minn.; from Montevideo over U.S. Highway 212 to junction Minnesota Highway 275, thence over Minnesota Highway 275 to Boyd, and return over the same route, serving no intermediate points. (14) Between St. Paul, Minn. and Gluek, Minn.; from St. Paul over city streets to Minneapolis, Minn., thence over Minnesota Highway 7 through Clara City, Minn. to junction Minnesota Highway 277, thence over Minnesota Highway 277 to Gluek, and return over the same route, serving the intermediate points of Cedar Mills, Corvuso, Cosmos, Thorp, Lake Lillian, Blomkest, Roseland, and Prinsburg, Minn.

HEARING: September 26, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 109280 (Sub-No. 7), filed April 24, 1961. Applicant: TERMINAL WAREHOUSE & STORAGE COMPANY, INC., 200 Southern Avenue, Dubuque, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment), between Orfordville, and Madison, Wis.; from Orfordville, over Wisconsin Highway 13, to its junction with U.S. Highway 14 at Evansville, thence over combined highways U.S. Highway 14 and Wisconsin Highway 13, to Madison, and return over the same route, serving no intermediate or off-route points.

HEARING: September 20, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 96.

No. MC 109435 (Sub No. 13), filed May 29, 1961. Applicant: ELLSWORTH BROS. TRUCK LINE, INC., Drawer J, Stroud, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Dry cement*, from Dewey, Okla., and points within five (5) miles thereof, to points in Kansas, Missouri, and Arkansas, and those in Texas on and north of Texas Highway 77 beginning at the Texas-Louisiana State line and extending along said highway to junction U.S. Highway 67 at or near Naples, Tex., thence along U.S. Highway 67 to junction U.S. Highway 80 at or near Dallas, Tex., thence along U.S. Highway 80 to junction U.S. Highway 180 near Weatherford, Tex., thence along U.S. Highway 180 to the Texas-New Mexico State line.

NOTE: Applicant states it holds authority under MC 109435 (Sub Nos. 7 and 9) authorizing service in the transportation of cement in bulk, bags and packages from Dewey, Okla., to points in Kansas, Missouri, and Arkansas within 200 miles of Dewey, Okla. Applicant requests that coincidental with the granting of the authority herein they will agree that the Commission should cancel the duplicating authority.

HEARING: September 25, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 109708 (Sub No. 13), filed June 16, 1961. Applicant: ERVIN J. KRAMER, doing business as MARYLAND TANK TRANSPORTATION CO., 4524 Reistertown Road, Baltimore, Md. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vinegar and vinegar stock*, in bulk, in tank vehicles, from Timberville, Waynesboro, and Winchester, Va., and Martinsburg, W. Va., to Atlanta, Ga., and Montgomery, Ala.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 109749 (Sub No. 16), filed April 24, 1961. Applicant: GAIL W. DAHL and FRED E. HAGEN, doing business as DAHL TRUCK LINES, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorney: J. Max Harding, IBM Building, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meat and packinghouse products*, as described by the Commission in Appendix I, Sections A, B, and C, 61 M.C.C. 209, from Omaha, Nebr., to points in Wyoming and Montana, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified above, on return.

NOTE: Service to be performed under a continuing contract with Wilson & Company at Omaha, Nebr.

HEARING: September 13, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 110420 (Sub No. 282), filed April 27, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Washing compounds*, in bulk, in tank vehicles, from North Chicago, Ill., to the Minneapolis-St. Paul, Minn. Commercial Zone, as defined by the Commission; (2) *Chocolate and chocolate coating*, in bulk, in tank vehicles, from Elizabethtown, Pa., to Fort Wayne, Ind.; (3) *Corn syrup and blends and mixtures of corn syrup, and liquid sugar*, in bulk, in tank vehicles, from Watertown, Wis., to points in Illinois, Michigan, Minnesota, Iowa, and Wisconsin; (4) *Spent brewers' yeast*, in bulk, in tank vehicles, from points in Wisconsin, Minnesota, Missouri, Indiana, Michigan, and Ohio, to Chicago, Ill.; (5) *Foundry core compounds*, in bulk, in tank vehicles, from Milwaukee, Wis., to points in Indiana, Ohio, and Pennsylvania; (6) *Lactic acid*, in bulk, in tank vehicles, from Clinton, Iowa, to Chicago, Ill., Cincinnati, Ohio, and Williamsport, Pa.; (7) *Corn oil*, in bulk, in tank vehicles, from St. Joseph, Mo., to Chicago, Ill. and Minneapolis, Minn.; (8) *Latex emulsions*, in bulk, in tank vehicles, from Ringwood, Ill., to points in Florida; (9) *Tanning extract*, in bulk, in tank vehicles, from Chicago, Ill., to points in Maine; (10) *Liquid plastics, and synthetic resins*, in bulk, in tank vehicles, from Sheboygan, Wis., to points in Minnesota, and Texas; (11) *Caramel color*, in bulk, in tank vehicles, from Keokuk, Iowa, to Bonner Springs, Kans.; (12) *Animal fats*, in bulk, in tank vehicles, from Napoleon, Ohio, to Cudahy, Wis.; and (13) *Animal, vegetable and fish oils, and blends thereof*, in bulk, in tank vehicles, from Boston, Mass., to points in Illinois, Indiana, Wisconsin, and Michigan.

HEARING: September 11, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 110420 (Sub No. 283), filed May 4, 1961. Applicant: QUALITY CARRIERS, INC., Calumet Street, Burlington, Wis. Applicant's attorney: Paul F. Sullivan, Sundial House, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Adhesives*, (a) from Chicago, Ill., to Nashville, Tenn., Louisville, Ky., and Shoals, Ind., (b) from St. Louis, Mo., to Nashville, Tenn., Louisville, Ky., and Shoals, Ind.; (2) *acid solutions* from Newaygo, Mich., Chicago Heights and Peoria, Ill., to points in Louisiana and Texas; (3) *arguads* (products from the ammoniation of fatty acids) from Chicago, Ill., to points in Maryland, New York, New Jersey, Connecticut, Pennsylvania, Missouri, and Arkansas; (4) *neutral citrus brandy*, from Lake Alfred, Fla., and points within five miles thereof to Detroit, Mich.; (5) *grain neutral spirits* from Muscatine, Iowa, to Detroit, Mich.;

and (6) *vodka*, from Pekin, Ill., to Detroit, Mich.

HEARING: September 13, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 110698 (Sub No. 158), filed June 16, 1961. Applicant: RYDER TANK LINE, INC., P.O. Box 457, Greensboro, N.C. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Hydrogen peroxide*, in bulk, in tank vehicles, from Charlotte, N.C., to points in Kentucky.

HEARING: September 6, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner J. Thomas Schneider.

No. MC 111623 (Sub No. 34), filed May 22, 1961. Applicant: SCHWERMANN TRUCKING CO. OF OHIO, a corporation, 620 South 29th Street, Milwaukee 46, Wis. Applicant's attorney: James R. Ziperski (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Ammonium nitrate*, in bulk, in packages, bags and other containers, from the site of Sohio Chemical Company plant at Lima, Ohio, to points in Indiana, Michigan, Illinois, Pennsylvania, and Kentucky, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, on return.

NOTE: Applicant states it is a wholly-owned subsidiary of Schwerman Trucking Co., a Wisconsin corporation, therefore, common control may be involved.

HEARING: September 26, 1961, at the Old Post Office Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 113267 (Sub No. 37), filed March 6, 1961. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, dangerous explosives, household goods, commodities in bulk, and those requiring special equipment), between points in Illinois, on and south of Illinois Highway 17, on the one hand, and, on the other, points in Florida.

HEARING: September 25, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 113514 (Sub No. 72), filed June 27, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals, including animal and poultry tonics and feed additives*, in bulk, in tank and hopper vehicles, from Austin, Tex., to points in California, Arizona, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Mexico, North Dakota, Okla-

homa, Oregon, South Dakota, Tennessee (except Kingsport), Utah, Washington, Wisconsin, and Wyoming.

NOTE: Common control may be involved.

HEARING: July 18, 1961, at the Federal Office Building, Franklin and Fannin Streets, Houston, Tex., before Examiner Charles B. Heinemann.

No. MC 113584 (Sub No. 15), filed June 14, 1961. Applicant: SHIPPERS SERVICE, INC., P.O. Box 1016, Mason City, Iowa. Applicant's representative: William A. Landau, 1307 East Walnut Street, Des Moines 16, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed supplements*, from Charles City, Iowa, to Guntersville, Ala., Hayward, Los Angeles, Oakland, Ontario, Pasadena, Petaluma, Richmond, Rio Linda, Sacramento, San Jose, Santa Rosa, Stockton, and Yuba City, Calif., Delmar, Millsboro, and Wilmington, Del., Atlanta and Gainesville, Ga., Jackson, Miss., Kansas City, Mo., Mocksville, N.C., Columbus, Ohio, Camp Hill, Lancaster, Lemoyne, Shiremans-town, and York, Pa., Chattanooga and Memphis, Tenn., Fort Worth, Tex., and Brattleboro, Vt.

NOTE: The proposed service is to be performed under a continuing contract with Dr. Salsbury's Laboratories, of Charles City, Iowa. Applicant states it is presently authorized to transport poultry and livestock drugs and remedies from Charles City, Iowa, to the above-named points. Purpose of this application is to clarify the carrier's right to transport such drugs and remedies as are also considered to be feed supplements.

HEARING: September 21, 1961, in Room 401, Old Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Examiner Leo M. Pellerzi.

No. MC 113843 (Sub No. 41), filed May 8, 1961. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Pittsburgh, Pa., to New York, N.Y., points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 19, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 113908 (Sub No. 80), filed May 19, 1961. Applicant: ERICKSON TRANSPORT CORPORATION, MPO 706, Springfield, Mo. Applicant's attorney: Turner White, 805 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup*, in bulk, in tank vehicles, from points in Nebraska, to points in Iowa, Missouri, North Dakota, and South Dakota.

HEARING: September 15, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 114004 (Sub No. 37), filed June 5, 1961. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New

Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in secondary movement, by haulaway method, and (2) *empty containers or other such incidental facilities* (not specified), used in transporting trailers, between points in the United States, including Alaska, but excluding Hawaii (except from Jacksonville and Newport, Ark., and points within fifteen (15) miles of Newport, Ark., to points in the United States).

HEARING: September 14, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 114004 (Sub No. 38), filed June 16, 1961. Applicant: CHANDLER TRAILER CONVOY, INC., 8828 New Benton Highway, Little Rock, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobile, in initial movement, from Jefferson County, Ark., to points in the United States, including Alaska, but excluding Hawaii, (2) *watercraft and parts, empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in (2) above, between Clarksville, Ark., Stockton, Calif., Hammond, Ind., High Point, N.C., Amsterdam, N.Y., Little Falls, Minn., Vicksburg, Miss., Columbus, Ohio, West Columbia, S.C., Abilene, Tex., Strasburg, Va., Adams, Wis., and points in the United States, including ports of entry on the International Boundary line between the United States and Canada, including Alaska, but excluding Hawaii.

HEARING: September 14, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 114045 (Sub No. 68), filed April 13, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products and dairy products*, from Oklahoma City, Okla., to points in Maine, Vermont, and New Hampshire.

HEARING: September 21, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 114211 (Sub No. 27), filed May 18, 1961. Applicant: DONALDSON TRANSFER COMPANY, a corporation, P.O. Box 215, Waterloo, Iowa. Applicant's attorney: Charles W. Singer, 33 North La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn cribs and farm machinery, and parts and attachments therefor*, when moving incidental to and in the same vehicle with said corn cribs and farm machinery from Oelwein, Iowa, to points in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Ken-

tucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, New York, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin, and *rejected shipments*, on return.

HEARING: September 15, 1961, at the Midland Hotel, Chicago, Ill., before Examiner William N. Culbertson.

No. MC 114569 (Sub No. 39), filed April 28, 1961. Applicant: SHAFFER TRUCKING, INC., Elizabethville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fresh meats, packing house products, dairy products and articles distributed by meat packing houses* as defined in Appendix I of the report on *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766; from Elizabethville, Pa., and points in Washington Township, Dauphin County, Pa., to points in Adams, Berks, Blair, Carbon, Centre, Chester, Clinton, Columbia, Cumberland, Dauphin, Franklin, Fulton, Huntingdon, Juniata, Lancaster, Lebanon, Lehigh, Luzerne, Lycoming, Mifflin, Montour, Northampton, Northumberland, Perry, Schuylkill, Snyder, Sullivan, Union, Wyoming, and York Counties, Pa., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 21, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 115757 (Sub No. 29) (AMENDMENT), filed April 10, 1961, published issue of April 19, 1961, as amended June 20, 1961, and republished as amended this issue. Applicant: BULK MOTOR TRANSPORT, INC., 1400 Kansas Avenue, Kansas City 5, Kans. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flour mix and prepared flour*, in bulk, from Ellicott City, Md., to points in Connecticut, Delaware, New Jersey, New York, Pennsylvania, and West Virginia.

NOTE: The purpose of this republication is to clarify the commodity description.

HEARING: July 26, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Donald R. Sutherland.

No. MC 115787 (Sub No. 5), filed April 24, 1961. Applicant: MATSON TRUCK LINES OF INDIANA, INC., P.O. Box 1122, Fort Wayne, Ind. Applicant's representative: A. R. Fowler, 2288 University Avenue, Saint Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, knocked down and unassembled, including *component parts, fixtures, and equipment* therefor, from the site of the Weyerhaeuser Company plant, Rilco Laminated Products Division, about two (2) miles north of Fort Wayne, Ind., to points in Illinois, Indiana, Kentucky, the Lower Peninsula of Michigan, Ohio, and Pennsylvania.

NOTE: Applicant has a pending application under MC 115787 (Sub No. 3) to transport Laminated wood products and hardware and

accessories therefor, when moving in the same vehicle and at the same time, with laminated wood products, from and to the above-specified points. Common control may be involved.

HEARING: October 4, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 115876 (Sub No. 4), filed May 24, 1961. Applicant: ERWIN HURNER, 1314 Fifth Street South, Moorhead, Minn. Applicant's attorney: Lee F. Brooks, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dairy products, including ice cream and frozen confections*, (1) between Omaha, Nebr., Moorhead, Minn., Sioux City, Iowa, and Huron and Watertown, S. Dak., and (2) from Moorhead, Minn., to Havre, Mont., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return.

HEARING: September 27, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 116434 (Sub No. 10), filed April 24, 1961. Applicant: HUGH MAJOR, 150 Sinclair, South Roxana, Ill. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Posts, poles, beams, pillars, lumber, and materials and supplies* incidental to construction and maintenance of bridges, between Granite City and Chicago Heights, Ill., and Omaha, Nebr., on the one hand, and, on the other, points in Arkansas, Illinois, Indiana, Iowa, Kentucky, Minnesota, Mississippi, Missouri, Nebraska, Tennessee, and Wisconsin.

HEARING: October 3, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 117119 (Sub No. 20), filed June 7, 1961. Applicant: WILLIS SHAW FROZEN EXPRESS, INC., Elm Springs, Ark. Applicant's attorneys: A. Alvis Layne, Pennsylvania Building, Washington 4, D.C., and John H. Joyce, 26 North College, Fayetteville, Ark. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Metal cans, lids, paper-board boxes, and bottle caps and covers*, from Milwaukee, Wis., to Springdale, Ark.

HEARING: September 18, 1961, at the Arkansas Commerce Commission, Justice Building, State Capitol, Little Rock, Ark., before Examiner Henry A. Cockrum.

No. MC 117465 (Sub No. 9), filed May 12, 1961. Applicant: CLYDE REEVES, doing business as BEAVER EXPRESS, 1016 Texas, Woodward, Okla. Applicant's attorney: Max G. Morgan, 443-54 American National Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives) *moving in express service*, between Spearman, and Borger, Tex.; from Spearman over Texas Highway 15 to Borger, serving all intermediate points with the right to tack with existing operations at Spearman.

HEARING: September 27, 1961, at the Herring Hotel, Amarillo, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner Henry A. Cockrum.

No. MC 117566 (Sub No. 1), filed March 17, 1961. Applicant: THORVALD GRESLIVOLD, doing business as GRESLIVOLD TRUCK LINE, 900 Soo Street, Minot, N. Dak. Applicant's attorney: Walfrid B. Hankla, 312 First Street SW., Minot, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete culverts*, from Williston, N. Dak., to points in Sheridan, Daniels, Valley, Roosevelt, Richland, McCone, Dawson, and Wibaux Counties, Mont., and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: October 4, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 118407 (Sub No. 2), filed May 2, 1961. Applicant: NEBRASKA, ILLINOIS, COLORADO EXPRESS, INC., doing business as N.I.C.E., INC., AND NATE'S TRUCK LINES, INC., 780 East 51st Avenue, Denver, Colo. Applicant's attorney: V. Baker Smith, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat packinghouses* as described in Ex Parte MC 38, Appendix I, Sec's A., B., and C., from Greeley and Denver, Colo., and Scottsbluff and Omaha, Nebr., to Hartford, Somerville and Worcester, Mass.; points in New Jersey; Flushing, Mt. Kisco, and New York, N.Y.; Philadelphia, Pa.; Pawtucket, R.I., and the District of Columbia.

HEARING: September 11, 1961, at the Hotel Sheraton-Fontenelle, Omaha, Nebr., before Examiner Leo M. Pellerzi.

No. MC 119032 (Sub No. 3), filed April 28, 1961. Applicant: WARREN C. LARSON, JR., 111 West Eighth Street, P.O. Box 2, Stillwater, Okla. Applicant's attorney: Clee Fitzgerald (same address as applicant). Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Gulfport, Miss., to Stillwater, Okla.

HEARING: September 20, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 123048 (Sub No. 22), filed April 24, 1961. Applicant: DIAMOND TRANSPORTATION SYSTEM, INC., 1919 Hamilton Avenue, Racine, Wis. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements, and parts*, from Gering, Nebr., to points in California, Colorado, Florida, Idaho, Michigan, North Dakota, Texas, Washington, and Wisconsin, and *rejected ship-*

ments of the above-specified commodities, on return.

HEARING: October 2, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 123081 (Sub No. 2), filed May 2, 1961. Applicant: MACRAY MOVERS, INC., 331 East 47th Street, New York, N.Y. Applicant's attorney: Morris Honig, 150 Broadway, New York 38, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New furniture*, uncrated, between New York, N.Y., on the one hand, and, on the other, points in Bucks, Montgomery, Delaware, and Chester Counties, Pa., and Philadelphia, Pa., points in Nassau, Suffolk, Westchester, and Rockland Counties, N.Y., and points in New Jersey.

NOTE: Applicant states proposed operations will be in retail consumer delivery only.

HEARING: October 6, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 123099 (Sub No. 1), filed June 19, 1961. Applicant: HOWARD ANDERSON, doing business as ANDERSON'S TRUCKING COMPANY, Tioga Street, Wellsboro, Pa. Applicant's attorney: Warren H. Spencer, 17 Central Avenue, Wellsboro, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, (1) from Rochester, N.Y., and Baltimore, Md., to Elkland, Pa., and (2) from Buffalo and Utica, N.Y., to Sayre and Blossburg, Pa., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, on return.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Charles J. Murphy.

No. MC 123303 (Sub No. 5), filed March 31, 1961. Applicant: ROBERT W. SAWYER, doing business as SAWYER TRANSPORT, 2424 Minnehaha Street, Minneapolis, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Building materials*, from points in the Upper Peninsula of Michigan to points in Iowa, Minnesota, North Dakota, South Dakota, Wisconsin, Missouri, Nebraska, and Illinois, except the Chicago, Ill., commercial zone, and (2) *Scrap paper*, from Minneapolis and St. Paul, Minn., to L'Anse, Mich.

NOTE: Common control may be involved.

HEARING: October 5, 1961, at the Midland Hotel, Chicago, Ill., before Examiner Isadore Freidson.

No. MC 123392, filed January 24, 1961. Applicant: JACK B. KELLEY, doing business as JACK B. KELLEY CO., 3401 Virginia Street, Amarillo, Tex. Applicant's attorney: Grady L. Fox, 222 Amarillo Building, Amarillo, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Helium gas*; from the sites of helium plants located at or near Soncy, Tex., Excel, Tex., Keyes, Okla.,

Otis, Kans., and Ship Rock, N. Mex., to points in the United States, including Alaska and Hawaii.

HEARING: September 22, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Henry A. Cockrum.

No. MC 123468 (Sub. No. 1)—PORTLAND MOVING & STORAGE CO., ELIGIBILITY, SECOND PROVISOR. Applicant: PORTLAND MOVING & STORAGE CO., 800 Southeast Hawthorne Avenue, Portland, Ore. Applicant's attorney: John M. Hickson, Failing Building, Portland, Ore. Assigned for hearing to determine whether Oregon Permit No. 72016 constitutes a certificate of public convenience and necessity within the meaning of the second proviso of section 206(a) (1) of the act.

HEARING: July 14, 1961, at the Interstate Commerce Commission Hearing Room, 410 Southwest 10th Avenue, Portland, Ore., before Examiner William R. Tyers.

No. MC 123521, filed March 23, 1961. Applicant: ARTHUR W. SCHNUERLE, doing business as A. W. SCHNUERLE OIL COMPANY, P.O. Box 101, Aberdeen, S. Dak. Applicant's attorney: Vernon Williams, 217 Western Union Building, Aberdeen, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum asphalt (asphaltum)*; from points in the Commercial Zones of Billings, Mont. and Casper, Wyo., to points in North Dakota and South Dakota.

HEARING: September 29, 1961, at the U.S. Court Rooms, Fargo, N. Dak., before Examiner William N. Culbertson.

No. MC 123544, filed March 30, 1961. Applicant: OTTO BERTSCH, Millsboro, N. Dak. Applicant's attorney: Edward J. Murphy, 203 Universal Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Farm machinery, swathers, grain augers, combines, and drages*, from the Port of Entry on the International Boundary Line between the United States and Canada at Neche, N. Dak., to points in North Dakota, South Dakota, and Minnesota.

HEARING: October 2, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 143.

No. MC 123547, filed March 31, 1961. Applicant: LEO RAUB, INC., Box 146, Niles, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Buildings*, knocked down or in sections, including all *component parts, materials, supplies, and fixtures* used in the erection, construction and completion thereof when shipped with such buildings, from Niles, Ohio, to points in Indiana, Illinois, Kentucky, the Lower Peninsula of Michigan, Pennsylvania, West Virginia, and New York; and (2) *materials, equipment, and supplies* used in the manufacture and shipping of prefabricated buildings, from the above-specified destination points to Niles, Ohio.

NOTE: Applicant states that the above service will be performed under contract with and providing for exclusive use of equipment for one shipper—Albee Homes, Inc., 931 Summit Street, Niles, Ohio. Applicant presently conducts operations under the second proviso of section 206(a)(1) of the Interstate Commerce Act under MC 55760 (Sub No. 1). Request for cancellation of said MC 55760 (Sub No. 1) is pending.

HEARING: September 28, 1961, at the Old Post Office Building, Public Square and Superior Avenues, Cleveland, Ohio, before Examiner Isadore Freidson.

No. MC 123573, filed April 10, 1961. Applicant: WAYNE GROVES, Box 96, Falmouth, Ind. Applicant's attorney: Leslie Duvall, 1126 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercially prepared farm feeds and chemicals*, from Frankfort and Falmouth, Ind., to points in Preble, Butler, and Montgomery Counties, Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, on return.

HEARING: September 14, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 123585 (Sub No. 1), filed April 26, 1961. Applicant: WILLIAM E. HUSBY, doing business as HUSBY TRUCKING SERVICE, Route No. 1, Box 124, Menomonee, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, and in bags and other containers, (1) from the plant site of the International Minerals and Chemicals Corporation located at Chicago Heights, Ill., to points in Wisconsin on and north of U.S. Highway 16 and west of the western boundary of Adams, Wood, Marathon, Lincoln, Oneida, and Vilas Counties, Wis., and (2) from the plant site of Smith Douglas, Inc. located at Streator, Ill., to points in Wisconsin on and north of U.S. Highway 16 and west of the western boundary of Adams, Wood, Marathon, Lincoln, Oneida, and Vilas Counties, Wis., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-specified commodity, on return.

NOTE: Applicant states it intends to serve all outlets of the International Minerals and Chemicals Corporation and Smith Douglas, Inc., as well as farms with truckloads, and less-than-truckload shipments where drop-off shipments are required.

HEARING: September 22, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 13.

No. MC 123633, filed May 1, 1961. Applicant: AHRENS MOTOR TRUCKING, INC., 550 Ninth Street, Hoboken, N.J. Applicant's attorney: Leo N. Knoblauch, 880 Bergen Avenue, Jersey City 6, N.J. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corrugated paper* in rolls, sheets and boxes, from Hoboken, N.J., to Bridgeport, Cos Cob, Danbury, Darien, Derby, Devon, Fairfield, Glenbrook, Greenwich, Meriden, New Britain, New Haven, Norwalk,

Orange, Shelton, Southbury, Springdale, Stamford, Torrington, Waterbury, and Wauregan, Conn.; Albany, Amityville, Babylon, Baldwin, Belmore, Bethpage, Farmingdale, Franklin Sq., Freeport, Garden City, Glen Cove, Goshen, Great Neck, Hastings on Hudson, Haverstraw, Hempstead, Hewlett, Hicksville, Huntington, Huntington Sta., Islip, Jericho, Lake Success, Larchmont, Lindenhurst, Lynbrook, Mamaroneck, Manhasset, Massapequa, Laurelton, Mineola, Newburgh, New Hyde Park, New Rochelle, Nyack, Old Westbury, Orangeburg, Oyster Bay, Patochouge, Peekskill, Piermont, Port Chester, Port Jervis, Port Washington, Poughkeepsie, Riverhead, Rockville Center, Roslyn, Rye, Scarsdale, Shoreham, Suffern, Syosset, Troy, Tuckahoe, Valley Stream, Wantagh, Westbury, Woodmere, and White Plains, N.Y.; Allentown, Bangor, Bath, Bethel, Bethlehem, Bristol, Chester, E. Stroudsburg, Hamburg, Harrisburg, Hazelton, Easton, Lebanon, Lancaster, Lehigh, Leighton, Lititz, Marcus Hook, Mechanicsville, Nazareth, Palmerton, Philadelphia, Pittston, Quakertown, Reading, Royersford, Scranton, Stroudsburg, Valley Forge, W. Pittston, White Haven, and Wilkes-Barre, Pa., and *empty containers or other such incidental facilities* (not specified), used in transporting the above-described commodities, and *rejected and refused shipments*, on return.

HEARING: October 4, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 123634, filed May 1, 1961. Applicant: S. KLEIN TRUCKING CORP., 6 Union Square, New York, N.Y. Applicant's attorney: Arthur J. Piken, 160-16 Jamaica Avenue, Jamaica 32, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *General department store merchandise*, and *returned, refused or rejected shipments*, to, from and between points in New York City, Yonkers, East Farmingdale, Commack and West Hempstead, N.Y., Newark, and Woodbridge, N.J., and Philadelphia, Pa.

NOTE: Applicant states service will be from, to, and between all of the warehouse, storage facilities and store locations of S. Klein Department Stores, Inc., its subsidiary corporations or concessionaires, located at the points indicated above.

HEARING: October 5, 1961, at 346 Broadway, New York, N.Y., before Examiner A. Lane Cricher.

No. MC 123646, filed May 8, 1961. Applicant: BERNARD ANDRE, doing business as ANDRE TRAILER TRANSPORT, Grenora, N. Dak. Applicant's attorney: John R. Davidson, Suite 200, American State Bank Building, Williston, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Mobile homes and house trailers*, between points on and west of North Dakota Highway 8, and on and east of U.S. Highway 87 commencing at the Montana-Wyoming border, north to Lewiston, Mont., and thence north on and west of Montana Highway 19 to Malta, Mont., and thence north on and west of Montana Highway 242 to the International Boundary line between the

United States and Canada, and from the aforesaid described area to ports of entry on the International Boundary Line between the United States and Canada in North Dakota.

HEARING: October 3, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 123650, filed May 8, 1961. Applicant: ANOKA INDEPENDENT GRAIN & FEED DEALERS, INC., Anoka, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed*, in bulk and in bags; from New Richmond, Wis., to points in Anoka, Hennepin, and Sherburne Counties, Minn.

HEARING: September 25, 1961, in Room 393, Federal Building and U.S. Court House, 110 South Fourth Street, Minneapolis, Minn., before Joint Board No. 142.

No. MC 123663, filed May 12, 1961. Applicant: FREDERICK A. NEWHART, 209 South Main Street, Hughesville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Wooden products*, from Picture Rock (Lycoming County), Pa., to points in New York, New Jersey, Maryland, Delaware, and Connecticut. (2) *Materials used or useful in the manufacture of wooden products*, from points in New York, New Jersey, Maryland, Delaware, and Connecticut, to Picture Rock (Lycoming County), Pa. (3) *Wooden reels and reel parts*, from Muncy Valley (Sullivan County), Pa., to points in New York, New Jersey, Delaware, Maryland, Ohio, and Missouri. (4) *Materials used or useful in the manufacture of wooden reels (with metal centers and reinforcing parts), wire rope, wire products, and prestressed concrete strand*, from points in New York, New Jersey, Delaware, Maryland, Ohio, and Missouri, to New Enterprise (Bedford County), Pa., Tubotville (Northumberland County), Pa., Muncy (Lycoming County), Pa., and Muncy Valley (Sullivan County), Pa. (5) *Lumber*, from Glens Falls, N.Y., to Muncy Valley (Sullivan County), Pa.

HEARING: September 21, 1961, at the Pennsylvania Public Utility Commission, Harrisburg, Pa., before Examiner A. Lane Cricher.

No. MC 123706, filed May 29, 1961. Applicant: NEIL LARSON AND GENE LARSON, doing business as LARSON & SONS, Park River, N. Dak. Applicant's attorney: John S. Whittlesey, Suite 321, Gate City Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes in seasonal operations from March 1st to November 30, inclusive of each year, transporting *cement*, in bags and in packages, from Duluth, Minn., to points in North Dakota bounded on the south by North Dakota Highway 7, on the west by North Dakota Highway 3, on the north by the International Boundary between Canada and North Dakota, and on the east by the Minnesota-North Dakota State line.

NOTE: Applicant states that he proposes to transport agricultural and other exempt commodities, on return.

HEARING: October 2, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 24.

No. MC 123708, filed May 31, 1961. Applicant: GLEN CAMERON HALL, doing business as HALL'S TRANSPORT, 1550 Park Street, Regina, Saskatchewan, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Salt and related salt products*, from Williston, N. Dak., to ports of entry on the International Boundary line between the United States and Canada at or near Noonan and Fortuna, N. Dak., and Raymond, Whitetail, and Port of Scobey, Mont.; and (2) *certified seed wheat*, from the above-specified destination points to Williston, N. Dak.

HEARING: October 3, 1961, at the North Dakota Public Service Commission, Bismarck, N. Dak., before Joint Board No. 84.

No. MC 123714, filed June 2, 1961. Applicant: BEVERAGE DISTRIBUTORS, 200 Peck Street, Clarksburg, W. Va. Applicant's representative: D. L. Bennett, 309 Methodist Building, Wheeling, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, in truckloads, (1) from Norristown, Pa., to Weirton, Wheeling, and Keyser, W. Va., (2) from St. Louis, Mo., to Fairmont and Elkins, W. Va., and (3) from Detroit, Mich., to Fairmont and Morgantown, W. Va., and *rejected materials and empty containers or other such incidental facilities* (not specified) used in transporting malt beverages, in connection with routes (1), (2), and (3) above, on return.

HEARING: September 22, 1961, at the New Federal Building, Pittsburgh, Pa., before Examiner Isadore Freidson.

No. MC 123738, filed June 12, 1961. Applicant: PACKAGE DELIVERY, INC., 1723 West 16th Street, Indianapolis, Ind. Applicant's attorney: Louis E. Smith, Suite 511 Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations* (cosmetics) from Indianapolis, Ind., to points in Indiana.

NOTE: Applicant states the proposed operations will be restricted to deliveries to homes of sales representatives of Avon Products, Incorporated, of Morton Grove, Ill.

HEARING: September 14, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

No. MC 123744, filed June 15, 1961. Applicant: EMANUEL BUTLER, SR., AND EMANUEL BUTLER, JR., doing business as BUTLER TRUCKING COMPANY, P.O. Box 44, Drifting, Pa. Applicant's attorney: Christian V. Graf, 407 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Refractory products, including firebrick and fireclay products*, from points in Centre and Clearfield Counties, Pa., to points in Maine, New Hampshire, Vermont,

Massachusetts, Connecticut, Rhode Island, New York, New York Commercial Zone, and Essex, Hudson, Hunterdon, Middlesex, Morris, Passaic, Somerset, Warren, and Union Counties, N.J., and *refused and rejected shipments* of the above-specified commodities, on return.

HEARING: September 8, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Lawrence A. Van Dyke, Jr.

MOTOR CARRIERS OF PASSENGERS

No. MC 3647 (Sub No. 303) (CLARIFICATION), filed March 1, 1961, published issue of March 15, 1961, and republished as clarified this issue. Applicant: PUBLIC SERVICE COORDINATED TRANSPORT, a corporation, 180 Boyden Avenue, Maplewood, N.J. Applicants attorney: Richard Fryling (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, and express and newspapers* in the same vehicle with passengers, (1) between Manville, N.J., and New Hope, Pa., from Manville over Dukes Parkway (East River Road) to U.S. Highway 206, thence over U.S. Highway 206 to junction U.S. Highway 202 and New Jersey Highway 28, thence over U.S. Highway 202 to New Hope, Pa., and return over the same route, serving all intermediate points, including Flemington, N.J., (2) from junction U.S. Highways 202 and 206 and New Jersey Highway 28, over U.S. Highways 202 and 206 to junction U.S. Highway 22, thence over U.S. Highway 22 to junction U.S. Highway 1 at Newark, N.J., and return over the same route, serving no intermediate points, as an alternate route for operating convenience only.

NOTE: Applicant states that the following additional restrictions will be imposed on the above routes: (1) On the alternate route over U.S. Highways 202, 206, and 22 between the junction of U.S. Highway 202 and Charlotte Street at the westerly boundary line of the Borough of Raritan and New York City, for operating convenience only; (2) on service via Manville, no passengers shall be transported between New York City, on the one hand, and the area between and including the Raritan River on U.S. Highway 206 at the Hillsborough-Somerville Municipal Line, and the junction of U.S. Highway 202 and Charlotte Street at the westerly boundary line of the Borough of Raritan, on the other; and (3) no passengers will be carried who begin and end their trip between New Hope, Pa., and Lambertville, N.J.

CONTINUED HEARING: September 7, 1961, in Room 212, State Office Building, 1100 Raymond Boulevard, Newark 2, N.J., before Joint Board No. 67.

No. MC 113105 (Sub No. 3), filed May 29, 1961. Applicant: SHERIDAN-INDIANAPOLIS BUS LINE, INC., 144 South Union Street, Westfield, Ind. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage, express, mail, and newspapers*, in the same vehicle with passengers, between Indianapolis, Ind., and Sheridan, Ind.: (1) from In-

dianapolis over Indiana Highway 431 to junction Indiana Highway 431 and U.S. Highway 31, thence over U.S. Highway 31 through Westfield, to junction Indiana Highway 38 and U.S. Highway 31, thence over Indiana Highway 38 to Sheridan, and return over the same route serving all intermediate points. (2) From Indianapolis over College Avenue to the town of Home Place, thence from Home Place over 106th Street to junction Indiana Highway 431 and 106th Street, thence over Indiana Highway 431 to junction Indiana Highway 431 and U.S. Highway 31, thence over U.S. Highway 31 through Westfield to junction Indiana Highway 38 and U.S. Highway 31, thence over Indiana Highway 38 to Sheridan and return over the same routes, serving all intermediate points.

HEARING: September 15, 1961, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 72.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIER OF PASSENGERS

No. MC 12756, filed May 19, 1961. Applicant: FRANK V. SAGER, doing business as SAGER TRAVEL AGENCY, 122 West Washington Avenue, Room 100, Madison, Wis. Applicant's attorney: Adolph J. Bieberstein, 121 West Doty Street, Madison 3, Wis. For a license (BMC 5) to engage in operations as a *broker* at Madison, Wis., in arranging for the transportation by motor vehicle in interstate or foreign commerce of *Passengers and their baggage*, in the same vehicle with passengers, both as individual and groups, in round-trip special and charter all-expense, conducted tours, beginning and ending at points in Wisconsin, and extending to points in the United States.

HEARING: September 19, 1961, at the Hotel Schroeder, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Sub No. 39), filed June 22, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment); serving points within ten (10) miles of Pascagoula, Miss., as intermediate and off-route points in connection with applicant's presently authorized regular-route service between Gulfport, Miss., and Mobile, Ala.

No. MC 31208 (Sub No. 6), filed June 23, 1961. Applicant: H. T. RATCLIFF, 454 West Main Street, Abingdon, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Repossessioned trainers and semi-trailers and parts and accessories therefor*, by truck-away method; from points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Maryland, Massachusetts, Michigan, New Jersey, New York, North

Carolina, Pennsylvania, Ohio, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and the District of Columbia, to Bristol, Va.

No. MC 66562 (Sub No. 1798) (AMENDMENT), filed March 29, 1961, published in the FEDERAL REGISTER, issue of April 12, 1961, amended June 27, 1961, republished as amended, this issue. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Pasco, Wash., and Ephrata, Wash.; from Pasco over U.S. Highway 395 to junction with Washington Highway 11-G, thence over Washington Highway 11-G to Ephrata, and return over the same route, serving the intermediate point of Moses Lake, Wash. and the intermediate or off-route point of Othello, Wash., and the off-route point of Warden, Wash. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments to be transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering, in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

NOTE: This amendment adds the off-route point of Warden, Wash., inadvertently omitted in previous publication.

No. MC 66562 (Sub No. 1819), filed June 22, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Tazewell, Va. and Berwind, W. Va.; from Tazewell over Virginia Highway 16 to the Virginia-West Virginia State line, thence over West Virginia Highway 16 to junction West Virginia Highway 11, thence over West Virginia Highway 11 to junction West Virginia Highway 9, thence over West Virginia Highway 9 to Berwind, and return over the same route, serving no intermediate points; and (2) between Grundy, Va. and Raven, Va.; from Grundy over U.S. Highway 460 to Raven, and return over the same route, serving no intermediate points. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt, covering in addition to the motor carrier movements by applicant, an immediately prior or an immediately subsequent movement by rail or air.

No. MC 66562 (Sub No. 1820), filed June 22, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 279 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Author-

ity sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, (1) between Providence, R.I. and Putnam, Conn.; from Providence over U.S. Highway 44 to Putnam, and return over the same route, serving no intermediate points; and (2) between Providence, R.I., and New London, Conn.; from Providence over Rhode Island Highway 2 to junction National Interstate Highway 95 in Warwick, R.I., thence over National Interstate Highway 95 to New London, and return over the same route, serving the off-route points of Kingston and Westerly, R.I., and Mystic, Conn. RESTRICTIONS: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 109637 (Sub No. 182), filed June 26, 1961. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrups* (non-edible), in bulk, in tank vehicles, from Cincinnati, Ohio, to Schenley, Pa.

NOTE: Common control may be involved.

No. MC 119874 (Sub No. 1), filed June 19, 1961. Applicant: RICHARD H. STEGER, Millers, Md. Applicant's representative: Donald E. Freeman, Uniontown Road, Box 24, Westminster, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building and structure stone* (veneer strips), in truck loads, (1) from Butler, Md., to points in Maryland, North Carolina, Virginia, West Virginia, and the District of Columbia, (2) from Granville, N.Y., Mount Gilead, N.C., and Poultney and West Rutland, Vt., to Butler, Md., and (3) from Glyndon, Md., to points in Maryland.

NOTE: Applicant states it is under a continuing contract with The C. E. Weaver Stone Company (a corporation), Butler, Md. Applicant presently serves shipper under contract in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, and Vermont on building stone.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7880. (DENVER-LIMON-BURLINGTON TRANSFER CO.—PURCHASE—KANSAS INTERMOUNTAIN TRUCK LINE, INC.), published in the June 7, 1961, issue of the FEDERAL REGISTER on page 5099. Supplement filed June 29, 1961, to show ROBERT C. PETERSON, 1420 18th Street, Denver, Colorado,

as additional person in control of the vendee corporation.

MC-F 7904. Authority sought for merger into LEE TRANSPORTATION COMPANY, 418 Olive Street, Room 601, St. Louis 2, Mo., of the operating rights and property of LEE-AMERICAN FREIGHT SYSTEM, INC., 418 Olive Street, Room 601, St. Louis 2, Mo., and for acquisition by C. A. MacFALL, JR., 30 Lake Pembroke Drive, Ferguson 35, Mo., H. S. MacFALL, 2429 Bremerton Road, Rock Hill, Mo., and W. F. PITTROFF, 6721 St. Olaf Drive, Berkeley 21, Mo., of control of such rights and property through the transaction. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis, Tenn. Operating rights sought to be merged: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between Detroit, Mich., and Chicago, Ill., serving all intermediate points and off-route points in the Chicago, Ill., Commercial Zone without restriction, and those in the Detroit, Mich., Commercial Zone restricted against the transportation of commodities requiring special equipment, between Mottville, Mich., and Chicago, Ill., between Benton Harbor, Mich., and Niles, Mich., between Flint, Mich., and Sturgis, Mich., between Flint, Mich., and Lansing, Mich., between Detroit, Mich., and Lansing, Mich., between Detroit, Mich., and Flint, Mich., between Jackson, Mich., and Niles, Mich., between Detroit, Mich., and Cambridge Junction, Mich., between Pontiac, Mich., and junction U.S. Highway 24 and Michigan Highway 50, between Flint, Mich., and junction U.S. Highway 23 and Michigan Highway 50, between Lansing, Mich., and junction U.S. Highways 127 and 112, between Marshall, Mich., and Coldwater, Mich., between Grand Rapids, Mich., and junction U.S. Highways 131 and 112, near White Pigeon, Mich., between South Bend, Ind., and junction U.S. Highway 12 and Michigan Highway 40, between Joliet, Ill., and Elkhart, Ind., between Joliet, Ill., and Chicago, Ill., between Aurora, Ill., and Chicago, Ill., between North Chicago, Ill., and Chicago, Ill., between Bay City, Mich., and Flint, Mich., between Monroe, Mich., and Toledo, Ohio, between Detroit, Mich., and junction U.S. Highway 12 and U.S. Highway 112, near Willow Run, Mich., between junction U.S. Highway 112 and Business Route U.S. Highway 112, approximately two miles west of Ypsilanti, Mich., and junction U.S. Highway 112 and Business Route U.S. Highway 112, approximately four miles east of Ypsilanti, between Detroit, Mich., and Chrysler Tank Arsenal, north of Detroit, Mich., and between Janesville, Wis., and Beloit, Wis., serving all intermediate and certain off-route points on the above described routes; *general commodities*, except livestock, dangerous explosives other than small arms ammunition, household goods, currency, bullion, commodities exceeding ordinary equipment and loading facilities, loose bulk commodities, and all other commodities expressly prohibited by law, between St. Louis, Mo., and Chicago, Ill., serving certain intermediate and off-route points; *general commodi-*

ties, excepting, among others, household goods, but not excepting commodities in bulk, between Chicago, Ill., and Freeport, Ill., between Chicago, Ill., and South Beloit, Ill., and between Chicago, Ill., and Woodstock, Ill., serving all intermediate points; *general commodities*, with the usual exceptions over various alternate routes for operating convenience only, and serving certain off-route points in connection with carrier's regular route operations; *insulating material*, from Waukegan, Ill., to Detroit, Mich., serving no intermediate points, and *castings*, from Woodstock, Ill., to Detroit, Mich., serving no intermediate points; *general commodities*, excepting, among others, household goods but not commodities in bulk, over irregular routes between points in Cook, Du Page, and Kane Counties, Ill. LEE TRANSPORTATION COMPANY is authorized to operate as a *common carrier* in Missouri, Tennessee, Arkansas, Iowa and Illinois. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7905. Authority sought for purchase by JOHN O'SHEA, INC., Foot Birch Street, P.O. Box 417, Ridgefield Park, N.J., of the operating rights of EDWARD A. O'DONNELL and JAMES P. O'DONNELL, a partnership, doing business as O'DONNELL BROTHERS, 217 Smith Street, Perth Amboy, N.J., and for acquisition by JOHN MULCAIR and CORNELIUS MULCAIR, both of Foot Birch Street, Ridgefield Park, N.J., of control of such rights through the purchase. Applicants' attorney and representative respectively: Bert Collins, 140 Cedar Street, New York 6, N.Y., and Edward A. O'Donnell, Traffic Consultant, 217 Smith Street, Perth Amboy, N.J. Operating rights sought to be transferred: *Such merchandise* as is dealt in by wholesale, retail and chain grocery and food business houses, and in connection therewith, *equipment, materials and supplies* used in the conduct of such businesses, as a *contract carrier* over irregular routes between certain points in New Jersey, Pennsylvania, and New York on the one hand, and, on the other, points in New York, Bronx, Kings, Queens, Nassau, and Richmond Counties, N.Y., and Hudson, Bergen and Essex Counties, N.J., with the *RESTRICTION* that *the operations authorized herein are limited* to a transportation service to be performed under special and individual contracts or agreements with persons (as defined in section 203(a) of the Interstate Commerce Act) who operate retail stores, the business of which is the sale of food, for the transportation of the commodities indicated and in the manner specified. Vendee is authorized to operate as a *contract carrier* in New York, New Jersey and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7906. Authority sought for purchase by M. & G. CONVOY, INC., 590 Elk Street, Buffalo 10, N.Y., of a portion of the operating rights and certain property of GREAT LAKES FORWARDING CORPORATION, 666 Tift Street, Buffalo 20, N.Y., and for HULBERT FORWARDING COMPANY, INC., 590

Elk Street, Buffalo 10, N.Y., to purchase certain property of GREAT LAKES FORWARDING CORPORATION, and for acquisition by E. J. HAND, 731 West Ferry Street, Buffalo 22, N.Y., and PARKE W. DAVIS, Allen Road, Chaffee, N.Y., of control of such rights and property through the transaction. Applicants' attorney: S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *New automobiles, new trucks, new chassis, and automotive parts*, restricted to secondary movements, in truckaway and driveaway service, during the season of open navigation on the Great Lakes, as a *common carrier* over irregular routes, from Buffalo, N.Y., to points in Ohio, New York, Pennsylvania, Connecticut, and Massachusetts; *the commodities specified above*, restricted to secondary movements, in truckaway service, during the season of open navigation on the Great Lakes, from Buffalo, N.Y., to points in Maryland, Delaware, Rhode Island, and New Jersey; *the commodities specified above*, restricted to secondary movements, in truckaway service, during the season of closed navigation on the Great Lakes, from Cleveland, Ohio, to points in Pennsylvania and New York; *the commodities specified above*, restricted to secondary movements, in truckaway and driveaway service, during the season of closed navigation on the Great Lakes, from Toledo, Ohio, to points in New York; *the commodities specified above*, restricted to initial movements, in truckaway and driveaway service, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in New York; *the commodities specified above*, restricted to initial movements, in driveaway service during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in New Jersey; *new automobiles, new trucks, new chassis, and automotive parts*, in secondary movements, by the driveaway method, during the season of open navigation on the Great Lakes, from Buffalo, N.Y., to points in Maryland, Delaware and Rhode Island; *the above-described commodities*, in initial movements, by the truckaway method, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in New Jersey; *new and used automobiles, trucks, chassis, and automotive parts*, in secondary movements, by truckaway and driveaway methods, between points in Connecticut, Massachusetts and Ohio; *new automobiles, automobile bodies, automobile chassis, and automobile parts and accessories* moving in connection therewith, *automobile show equipment and paraphernalia, and farm and garden tractors and parts and accessories* thereof moving in connection therewith, in initial movements, in truckaway and driveaway service, from Willow Run, Mich., to points in New Jersey and New York; and *rejected shipments* of the above-described commodities from the above-specified destination points to Willow Run,

Mich.; *new automobiles, new trucks, and new chassis*, in initial movements by driveaway and truckaway methods, during the season of closed navigation on the Great Lakes, from points of manufacture and assembly in Detroit, Mich., to points in Pennsylvania, traversing Ohio for operating convenience only; *new automobiles, new trucks, and new chassis*, in initial movements, in truckaway service from Toledo, Ohio, to points in Pennsylvania, New York, New Jersey, Delaware, Maryland, Connecticut, Rhode Island, and Massachusetts; *new automobiles and new chassis*, in secondary movement, in truckaway service from New York, N.Y., and Hoboken, Newark, and Jersey City, N.J., to points in Indiana, Illinois, and Michigan; *new trucks and new truck chassis*, in secondary movements, in truckaway service from New York, N.Y., and Hoboken, Jersey City, and Newark, N.J., to points in Alabama, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Michigan, Mississippi, Missouri, New Hampshire, North Carolina, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *trailers* designed to be drawn by passenger automobiles, in initial movements, in truckaway service from New York, N.Y., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia; *farm tractors*, from Cleveland and Auburn Township, Ohio, to points in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont, traversing West Virginia for operating convenience only; *new automobiles and new chassis*, in secondary movements, in truckaway service, from New York, N.Y., and Hoboken, Jersey City, and Newark, N.J., to points in Alabama, Kentucky, Mississippi, Missouri, Tennessee, and Wisconsin; *new automobiles, new trucks, and new chassis*, by truckaway and driveaway methods, in initial movements, during the season of open navigation on the Great Lakes, from Detroit, Mich., to points in Pennsylvania, New Jersey, and New York, traversing Ohio for operating convenience only; *new automobiles, and new automobile chassis*, in secondary movements, in truckaway service from New York, N.Y., and Hoboken, Newark, and Jersey City, N.J., to points in Delaware, Florida, Georgia, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia; *new automobiles, new trucks, and new chassis*, in initial movements, in truckaway service from Toledo, Ohio to points in Pennsylvania; *new trucks*, in secondary movements, in driveaway service, from Boyertown, Pa., to points in Maine, New Hampshire, Rhode Island, and Vermont; *automobiles and trucks*, in initial movements, in truckaway and driveaway service, and *parts and accessories* for the authorized

commodities, when moving in the same vehicle with the vehicles to be transported, restricted against the transportation of trucks to points in Maryland, from the sites of the plants of the Chrysler Corporation, Detroit, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, and Rhode Island; *automobiles and trucks*, in secondary movements, in truckaway and driveaway service, from Cleveland, Ohio, to points in Delaware, Maryland, and Rhode Island; *trucks*, in initial movements in truckaway service, and *parts and accessories* for the authorized commodities, when moving in the same vehicle to be transported from the site of plant of the Divco Corporation, Detroit, Mich., to points in Connecticut, Delaware, Maryland, Massachusetts, and Rhode Island; *motor vehicles*, in truckaway service, from Boston, Mass., to points in Maine, New Hampshire, Rhode Island, and Vermont, and *new foreign-made automobiles*, in truckaway service, from New York, N.Y., and Hoboken, Newark, and Jersey City, N.J., to points in Maine, New Hampshire, Rhode Island and Vermont. M. & G. CONVOY, INC., is authorized to operate as a *common carrier* in Michigan, Delaware, Maryland, New Jersey, Pennsylvania, New York, Ohio, North Carolina, Virginia, Connecticut, Florida, Georgia, Maine, Massachusetts, New Hampshire, Rhode Island, South Carolina, Vermont, West Virginia, and the District of Columbia. HULBERT FORWARDING COMPANY, INC., is authorized to operate as a *common carrier* in New York, Ohio, New Hampshire, Massachusetts, Rhode Island, Connecticut, Michigan, Maine, and Vermont. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7907. Authority sought for purchase by EASTERN AUTOMOBILE FORWARDING CO., INC., 2727 William Street, Cheektowaga, N.Y., of a portion of the operating rights and certain property of GREAT LAKES FORWARDING CORPORATION, 666 Tift Street, Buffalo, N.Y., and for acquisition by FORREST E. WOLVERTON, 3923 East River Road, Grand Island, N.Y., and LEROY FENNE, 2141 McClellan Parkway, Sarasota, Fla., of control of such rights and property through the purchase. Applicants' attorney: Mortimer Allen Sullivan, 530 Walbridge Building, Buffalo, N.Y. Operating rights sought to be transferred: *New and used automobiles, trucks, chassis, and automotive parts*, in secondary movements by truck-away methods, as a *common carrier* over irregular routes, between points in New York, New Jersey, and Pennsylvania. Vendee is authorized to operate as a *common carrier* in Michigan, New York, New Jersey, Pennsylvania, Connecticut, Massachusetts, Ohio, Rhode Island, Vermont, Delaware, Florida, Georgia, Maine, Maryland, New Hampshire, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7909. Authority sought for purchase by E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa., of the operating rights and prop-

erty of EDWIN E. CLARKE, an individual, doing business as CLARKE BULK TRANSFER, 300 West Elm Street, Norristown, Pa., and for acquisition by DUVERNEY MATLACK, EDWIN L. MATLACK, E. BROOKE MATLACK, JR., and ROBERT W. MATLACK, all of 33d and Arch Streets, Philadelphia 4, Pa., of control of such rights and property through the purchase. Applicants' attorney: Robert H. Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Operating rights sought to be transferred: *Flour*, in bulk, as a *common carrier* over irregular routes from Treichlers, Pa., to Asbury Park and Newark, N.J., and from Norristown, Pa., to Asbury Park, N.J., and *flour*, in bulk, in pneumatically equipped hopper type vehicles, between points in Pennsylvania, with the RESTRICTION that the above-described operations are restricted to shipments having a prior movement by rail from points beyond Pennsylvania; from Norristown, Pa., to Wilmington, Del., and Pennsauken, Bridgeton, Trenton, and Atlantic City, N.J.; from Treichlers, Pa., to Pennsauken, N.J., and from points in Cumberland, Lancaster, Lebanon, and York Counties, Pa., to Pennsauken, N.J. Vendee is authorized to operate as a *common carrier* in Maryland, Delaware, Pennsylvania, Virginia, New Jersey, New York, Ohio, West Virginia, North Carolina, South Carolina, Georgia, Indiana, Alabama, Missouri, Tennessee, Minnesota, Michigan, Illinois, Wisconsin, Kentucky, Kansas, New Hampshire, Rhode Island, Connecticut, Massachusetts, Vermont, Florida, Iowa, Mississippi, Louisiana, Maine, and the District of Columbia, and as a *contract carrier* in Ohio, New York, Connecticut, Massachusetts, New Hampshire, New Jersey, Pennsylvania, Rhode Island, and Vermont. Application has been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL]

HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6272; Filed, July 5, 1961;
8:49 a.m.]

[Notice 167]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

JUNE 30, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 730 (Deviation No. 14), PACIFIC INTERMOUNTAIN EXPRESS CO., 14th and Clay Streets, Oakland 4, Calif., filed June 5, 1961. Carrier's representative Charles G. Stevenson, same address. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Redlands, Calif., over Interstate Highway 10 to Los Angeles, Calif., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Salt Lake City, Utah, over U.S. Highway 91 to Barstow, Calif., thence over U.S. Highway 66 to San Bernardino, Calif., thence over U.S. Highway 99 to Los Angeles, Calif.; from Colton, Calif., over Redlands Road to Yucaipa, Calif., and return over the same routes.

No. MC 8500 (Deviation No. 1) (CORRECTION), INTERSTATE COACH COMPANY, 710 Sevier Avenue, Knoxville 20, Tenn., filed May 15, 1961, and published in the June 7, 1961, issue of the FEDERAL REGISTER, at page 5088. The correct name of the carrier is Tennessee Coach Company.

No. MC 17481 (Sub. No. 2) (Deviation No. 2), MOORE MOTOR FREIGHT LINES, INC., 2091 Kasota Avenue, St. Paul (14), Minnesota, filed June 2, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From Mauston, Wis., over Wisconsin Highway 82 to Junction U.S. Highway 51, thence over U.S. Highway 51 to junction U.S. Highway 90 and thence over U.S. Highway 90 to Chicago, Ill., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Mauston and Chicago over U.S. Highway 12.

No. MC 48958 (Deviation No. 5), ILLINOIS-CALIFORNIA EXPRESS, 510 East 51st Avenue, Denver 16, Colo., filed June 8, 1961. Carrier proposes to operate as a *common carrier*, by motor vehicle, of *general commodities*, with certain exceptions, over a deviation route as follows: From junction U.S. Highways 99 and 60 near Beaumont, Calif. over U.S. Highway 60 to Riverside, Calif., thence over U.S. Highway 91 to junction California Highway 14, thence over California Highway 14 to junction U.S. Highway 101 (known as the Santa Ana Freeway), and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service

routes as follows: From Los Angeles, Calif., over U.S. Highway 66 via San Bernardino, Calif. to Albuquerque, N. Mex., thence over U.S. Highway 85 to Denver, Colo. (also from junction U.S. Highway 85 and unnumbered highway about 3 miles south of Greenhorn, Colo., over unnumbered highway to Crow, Colo., thence over Colorado Highway 165 to junction U.S. Highway 85 north of Crow; also from junction U.S. Highway 85 and Colorado Highway 105 approximately $\frac{1}{2}$ mile south of Monument, Colo., over Colorado Highway 105 to Palmer Lake, Colo., thence over Colorado Highway 393 to junction U.S. Highway 85 approximately $1\frac{1}{2}$ miles north of Larkspur, Colo.); from Los Angeles over U.S. Highway 99 to Colton, Calif., thence over connecting highways to San Bernardino; and from Colton over U.S. Highway 99 to Indio, Calif., thence over U.S. Highway 60 to Wickenburg, Ariz., and thence over U.S. Highway 89 to Ashfork, Ariz., and return over the same routes.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6271; Filed, July 5, 1961;
8:49 a.m.]

[Notice 385]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers, or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications MC-25708 (Sub No. 17) through MC-123067 (Sub No. 5), immediately following are assigned for hearing September 11, 1961, at 680 West Peachtree Street NW., Atlanta, Ga., before Examiner C. Evans Brooks. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(A) Applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application.

(B) Testimony adduced by applicant's company witnesses shall be subject to the Special Rules of Procedure for Hearing.

(1) All of the Testimony to be adduced by applicant's company witnesses shall be in the form of written statements

which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross-examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto will, at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 25708 (Sub No. 17), filed May 8, 1961. Applicant: BEARD-LANEY, INC., 1009 Church Street, Camden, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Liquefied petroleum gas*, in bulk, in tank vehicles, and (2) *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified, between points in North Carolina, South Carolina, Georgia, and Tennessee.

No. MC 102806 (Sub No. 11), filed May 5, 1961. Applicant: PETROLEUM TRANSPORTATION, INCORPORATED, P.O. Box 232, Gastonia, N.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, from Pipe Line Terminals of the pipe line of Dixie Pipe Line Co., (a) in South Carolina, to points in Georgia, South Carolina, and North Carolina, and (b) in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities in (a), and (b), on return.

No. MC 103051 (Sub No. 108), filed May 8, 1961. Applicant: WALKER HAULING CO., INC., P.O. Box 13444, Station K, 340 Armour Drive N.E., Atlanta 24, Ga. Applicant's attorney: R. J. Reynolds, Jr., Suite 1424-35 C & S National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from the terminals of the Dixie Pipe Line Company in Alabama, to points in Tennessee, Georgia, Florida, and Alabama; (2) from the terminals on the Dixie Pipe Line Company in Georgia, to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; and (3)

from the terminals on the Dixie Pipe Line Company in South Carolina, to points in Georgia, South Carolina, Tennessee, and North Carolina.

No. MC 103191 (Sub No. 11), filed May 5, 1961. Applicant: THE GEO. A. RHE-MAN CO., INC., P.O. Box 2095, Station A, Charleston, S.C. Applicant's attorney: Frank A. Graham, Jr., 707 Security Federal Building, Columbia 1, S.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, in bulk, in tank vehicles, from Pipe Line Terminals of the pipe line of Dixie Pipe Line Co., (a) in Georgia to points in Georgia, North Carolina, and South Carolina; (b) in South Carolina to points in Georgia, North Carolina, South Carolina, and Tennessee; and (c) in North Carolina to points in Georgia, North Carolina, South Carolina, and Tennessee, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities in (a), (b), and (c), on return.

No. MC 103378 (Sub No. 206), filed May 15, 1961. Applicant: PETROLEUM CARRIER CORPORATION, 369 Margaret Street, Jacksonville, Fla. Applicant's attorney: Martin Sack, 500 Atlantic National Bank Building, Jacksonville, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Dixie Pipe Line Company in Georgia, to points in Alabama, Georgia, Florida, North Carolina, South Carolina, and Tennessee.

No. MC 107544 (Sub No. 41) (REPUBLICATION), filed May 2, 1961, published issue of May 10, 1961. Applicant: LEMON TRANSPORT COMPANY, INCORPORATED, P.O. Box 580, Marion, Va. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in South Carolina to points in Georgia, South Carolina, Tennessee, and North Carolina, and (2) from terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 109557 (Sub No. 9), filed May 8, 1961. Applicant: WILLETT BROS. TRANSPORTATION, INCORPORATED, 315 Carver Avenue NE., P.O. Box 972, Roanoke, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles; from terminals on the Dixie Pipe Line Co. pipe line in North Carolina, to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 110315 (Sub No. 6), filed May 12, 1961. Applicant: FELTS TRANSPORT CORPORATION, P.O. Box 69, Galax, Va. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Wash-

ington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in South Carolina, to points in Georgia, South Carolina, Tennessee, and North Carolina; and (2) from terminals on the Dixie Pipe Line Company, pipe line in North Carolina, to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 111045 (Sub No. 10) (REPUBLICATON), filed April 28, 1961, published May 10, 1961. Applicant: REDWING CARRIERS, INC., P.O. Box 426, Tampa, Fla. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in Mississippi to points in Mississippi, Alabama, and Florida. (2) From terminals on the Dixie Pipe Line Company pipe line in Alabama to points in Mississippi, Alabama, Florida, Georgia, and Tennessee. (3) From terminals on the Dixie Pipe Line Company pipe line in Georgia to points in Alabama, Georgia, Florida, South Carolina, and Tennessee. (4) From terminals on the Dixie Pipe Line Company pipe line in South Carolina to points in Georgia, South Carolina, Tennessee, and North Carolina. (5) From terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 111159 (Sub No. 125), filed June 26, 1961. Applicant: MILLER TRANSPORTERS, LTD., a corporation, Post Office Box 1123, Jackson, Miss. Applicant's attorney: H. D. Miller, Jr., Suite 700, Petroleum Building, P.O. Box 141, Jackson, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gases*, from terminals on the Dixie Pipe Line Company pipe line, (1) in Mississippi, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee, and (2) in Alabama, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee.

No. MC 113336 (Sub No. 43) (REPUBLICATON), filed April 11, 1961, published issue of April 26, 1961. Applicant: PETROLEUM TRANSIT COMPANY, INC., P.O. Box 29, Lumberton, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) From terminals on the Dixie Pipe Line Company pipe line in Mississippi to points in Mississippi, Alabama, and Florida, (2) from terminals on the Dixie Pipe Line Company pipe line in Alabama to points in Mississippi, Alabama, Florida, Georgia, and Tennessee, (3) from terminals on the Dixie Pipe Line Company pipe line in Georgia to

points in Alabama, Georgia, Florida, South Carolina, and Tennessee, (4) from terminals on the Dixie Pipe Line Company pipe line in South Carolina to points in Georgia, South Carolina, Tennessee, and North Carolina, and (5) from terminals on the Dixie Pipe Line Company pipe line in North Carolina to points in South Carolina, North Carolina, Tennessee, and Virginia.

No. MC 113828 (Sub No. 7) (REPUBLICATON), filed May 1, 1961, published issue of May 10, 1961. Applicant: O'BOYLE TANK LINES, INCORPORATED, Arlington Towers, Arlington, Va. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from terminals on the Dixie Pipe Line Company, in North Carolina, to points in Virginia, South Carolina, and Bristol, Tenn.

NOTE: Common control may be involved.

No. MC 114091 (Sub No. 43), filed May 5, 1961. Applicant: FLEET TRANSPORT CO., OF KY., INC., 3601 South Seventh Street, Louisville, Ky. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals of the Dixie Pipe Line Co. pipe line in Mississippi to points in Mississippi, Alabama, Florida, Georgia, and Tennessee; (2) from terminals on said pipe line in Alabama to points in Alabama, Mississippi, Georgia, Florida, and Tennessee; (3) from terminals on said pipe line in Georgia to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; (4) from terminals on said pipe line in South Carolina to points in South Carolina, Georgia, Tennessee, and North Carolina; and (5) from terminals on said pipe line in North Carolina to points in North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 114106 (Sub No. 32), filed May 10, 1961. Applicant: MAYBELLE TRANSPORT COMPANY, a corporation, P.O. Box 573, Lexington, N.C. Applicant's attorney: Dale C. Dillon, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in South Carolina, to points in North Carolina, and (2) from terminals on the Dixie Pipe Line Company pipe line in North Carolina, to points in North Carolina, South Carolina, and Virginia to Bristol, Tenn.

No. MC 115732 (Sub No. 9), filed May 5, 1961. Applicant: FRANK C. MARTIN, doing business as MARTIN PROPANE TRANSPORT, 517 North Chancery Street, McMinnville, Tenn. Applicant's attorney: Walter Harwood, Nashville Trust Building, Nashville 3, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied*

petroleum gas, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Co. pipe line in Mississippi, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee; (2) from terminals of said pipe line in Alabama, to points in Alabama, Mississippi, Georgia, Florida, and Tennessee; (3) from terminals on said pipe line in Georgia, to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; (4) from terminals on said pipe line in South Carolina, to points in South Carolina, North Carolina, Georgia, and Tennessee; and (5) from terminals on said pipe line in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia.

No. MC 116387 (Sub No. 31), filed June 8, 1961. Applicant: ALABAMA TANK LINES, 4107 Bells Lane, Louisville 11, Ky. Applicant's representative: H. N. Nunnally, Traffic Manager (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals of the Dixie Pipe Line Company in Alabama, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee; (2) from terminals of the Dixie Pipe Line Company in Georgia, to points in Alabama, Florida, Georgia, South Carolina, and Tennessee; (3) from terminals of the Dixie Pipe Line Company in Mississippi, to points in Alabama, Florida, Georgia, Mississippi, and Tennessee; (4) from terminals of the Dixie Pipe Line Company in North Carolina, to points in North Carolina, South Carolina, Tennessee, and Virginia; and (5) from terminals of the Dixie Pipe Line Company in South Carolina, to points in Georgia, North Carolina, South Carolina, and Tennessee.

No. MC 123067 (Sub No. 5), filed May 10, 1961. Applicant: M & M TANK LINE, INC., P.O. Box 4174, North Station, Winston-Salem, N.C. Applicant's attorney: James E. Wilson, Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, (1) from terminals on the Dixie Pipe Line Company pipe line in Mississippi, to points in Mississippi, Alabama, and Florida; (2) from terminals on the Dixie Pipe Line Company pipe line in Alabama, to points in Mississippi, Alabama, Florida, Georgia, and Tennessee; (3) from terminals on the Dixie Pipe Line Company pipe line in Georgia, to points in Alabama, Georgia, Florida, South Carolina, and Tennessee; (4) from terminals on the Dixie Pipe Line Company pipe line in South Carolina, to points in Georgia, South Carolina, Tennessee, and North Carolina; and (5) from terminals on the Dixie Pipe Line Company pipe line in North Carolina, to points in South Carolina, North Carolina, Tennessee, and Virginia.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 61-6273; Filed, July 5, 1961;
8:49 a.m.]

[Notice 386]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

JUNE 30, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209 and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING

MOTOR CARRIERS OF PROPERTY

The applications MC-82 (Sub No. 11) through MC-107605 (Sub No. 11), immediately following are assigned for hearing July 31, 1961, at the Midland Hotel, Chicago, Ill., before Joint Board No. 149, or, if the Joint Board waives its right to participate, before Examiner William E. Messer. All of the proceedings are subject to the Special Rules of Procedure for Hearing outlined below:

SPECIAL RULES OF PROCEDURE FOR HEARING

(A) Applicant shall make available at the hearing competent witnesses for examination on all matters or relevant facts recited in the application.

(B) Testimony adduced by applicant's company witnesses shall be subject to the Special Rules of Procedure for Hearing.

(1) All of the Testimony to be adduced by applicant's company witnesses shall be in the form of written statements which shall be submitted at the hearing at the time and place indicated.

(2) All of the written statements by applicant's company witnesses shall be offered in evidence at the hearing in the same manner as any other type of evidence. The witnesses submitting the written statements shall be made available at the hearing for cross examination, if such becomes necessary.

(3) The written statements by applicant's company witnesses, if received in evidence, will be accepted as exhibits. To the extent the written statements refer to attached documents such as copies of operating authority, etc., they should be referred to in the written statement as numbered appendices thereto.

(4) The admissibility of the evidence contained in the written statements and the appendices thereto will, at the time of offer, be subject to the same rules as if the evidence was produced in the usual manner.

(5) Implementing oral evidence to correct errors or to supply inadvertent omissions in the written statements is permissible.

No. MC 82 (Sub No. 11), filed June 28, 1961. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Fer-

dinand Born, 1019 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 2401 (Sub No. 21), filed June 26, 1961. Applicant: MOTOR FREIGHT CORPORATION, 2345 South 13th Street, Terre Haute, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

No. MC 2510 (Sub No. 26), filed June 23, 1961. Applicant: ZIFFRIN TRUCK LINES, INC., 1120 Division Street, Indianapolis, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 2974 (Sub No. 21), filed June 27, 1961. Applicant: O. I. M. TRANSIT CORPORATION, Commerce Drive, Fort Wayne, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 29120 (Sub No. 60), filed June 26, 1961. Applicant: WILSON STORAGE AND TRANSFER CO., 1500 "I" Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with appli-

cant's presently authorized regular route operations.

No. MC 29130 (Sub No. 92), filed June 23, 1961. Applicant: THE ROCK ISLAND MOTOR TRANSIT COMPANY, a corporation, 402 Plymouth Building, 919 Walnut Street, Des Moines 9, Iowa. Applicant's attorney: Thomas I. Megan, 139 West Van Buren Street, Chicago 5, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, household goods as defined by the Commission in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with carrier's authorized regular-route operations to and from Chicago, Ill.

No. MC 29988 (Sub No. 78), filed June 26, 1961. Applicant: DENVER-CHICAGO TRUCKING COMPANY, INC., 45th Avenue at Jackson Street, Denver, Colo. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 31444 (Sub No. 47) (REPUBLICATION), filed May 11, 1961, published issue of June 7, 1961. Applicant: SCHREIBER TRUCKING CO., INC., 1315-99 Washington Boulevard, Pittsburgh 6, Pa. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., near Aurora, Ill., as an off-route point in connection with applicant's authorized regular route operations.

No. MC 35484 (Sub No. 46), filed June 26, 1961. Applicant: VIKING FREIGHT COMPANY, a corporation, 614 South Sixth Street, St. Louis, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, liquids in bulk, motion picture films and commodities requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently authorized regular routes.

No. MC 35628 (Sub No. 240) (REPUBLICATION), filed May 8, 1961, published issue of May 24, 1961. Applicant: INTERSTATE MOTOR FREIGHT SYSTEM, a corporation, 134 Grandville Avenue, S.W., Grand Rapids, Mich.

Applicant's attorney: Leonard D. Verdier, Jr., 300 Michigan Trust Building, Grand Rapids 2, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined by the Commission, and commodities in bulk (except scrap metal in bulk), serving Oakbrook, Ill., near Aurora, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill., as authorized at Sheets 3, 4, 7, and 9 of Certificate No. MC 35628.

No. MC 49387 (Sub No. 16), filed June 26, 1961. Applicant: ORSCHELN BROS. TRUCK LINES, INC., 339 North Williams Street, Moberly, Mo. Applicant's attorney: G. M. Rebman, Suite 1230, Boatmen's Bank Building, St. Louis 2, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, commodities in bulk, household goods as defined by the Commission, commodities requiring special equipment, and those injurious or contaminating to other lading), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently authorized regular routes.

No. MC 51255 (Sub No. 18), filed June 26, 1961. Applicant: HAECKL'S EXPRESS, INCORPORATED, P.O. Box 2025, Terre Haute, Ind. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 52629 (Sub No. 46), filed June 26, 1961. Applicant: HUBER & HUBER MOTOR EXPRESS, INC., 970 South Eighth Street, Louisville, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, and commodities requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular-route operations to and from Chicago, Ill.

No. MC 58961 (Sub No. 5), filed June 21, 1961. Applicant: NIGHTHAWK FREIGHT SERVICE, INC., 1800 South Canal Street, Chicago 16, Ill. Applicant's attorney: Samuel M. Kane, 77 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and except livestock, Classes A and B explosives, household goods as defined in

Practices of Motor Common Carriers of Household Goods, 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading); serving Oakbrook in Du Page County, Ill., as an off-route point in connection with applicant's regular-route operations to and from the Chicago, Ill., Commercial Zone, as authorized in applicant's Certificate No. MC 58961.

No. MC 59681 (Sub No. 47), filed June 23, 1961. Applicant: DAKOTA TRANSFER & STORAGE COMPANY, a corporation, 11 Oak Street SE., Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular route operations to and from Chicago, Ill.

No. MC 69224 (Sub No. 29), filed June 28, 1961. Applicant: H & W MOTOR EXPRESS COMPANY, a corporation, 3000 Elm Street, Dubuque, Iowa. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

No. MC 70451 (Sub No. 233) (REPUBLICATON), filed June 19, 1961, published issue of June 28, 1961. Applicant: WATSON BROS. TRANSPORTATION CO., INC., 1910 Harney Street, Omaha, Nebr. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

No. MC 71096 (Sub No. 38), filed June 22, 1961. Applicant: NORWALK TRUCK LINES, INC., 36 Woodlawn Avenue, Norwalk, Ohio. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, com-

modities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

No. MC 78643 (Sub No. 47), filed June 26, 1961. Applicant: HART MOTOR EXPRESS, INC., 2600 University Avenue SE., Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities* (except Classes A and B explosives, and except household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment); serving Oakbrook, Ill., as an off-route point in connection with applicant's regular-route operations to and from Chicago, Ill.

No. MC 107158 (Sub No. 9) (REPUBLICATON), filed June 20, 1961, published issue of June 28, 1961. Applicant: DENNIS TRUCK LINE, INC., 4622 South Bishop Street, Chicago, Ill. Applicant's attorney: Louis E. Smith, Suite 511, Fidelity Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's presently certificated regular-route operations from and to Chicago, Ill.

No. MC 107605 (Sub No. 11), filed June 22, 1961. Applicant: UNITED SHIP-PING CO., a corporation, 2601 Broadway Road, Minneapolis, Minn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle over regular routes, transporting: *General commodities* (except articles of unusual value, Classes A and B explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, commodities in bulk, and those requiring special equipment), serving Oakbrook, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-6274; Filed, July 5, 1961; 8:50 a.m.]

[Section 5a Application 77]

TRANSCONTINENTAL HOUSEHOLD GOODS CARRIERS BUREAU

Agreement

JUNE 30, 1961.

The Commission is in receipt of the above-entitled and numbered application for approval of an agreement under the provisions of section 5a of the Interstate Commerce Act.

Filed: June 26, 1961, by: Robert E. Tate, Motor Carrier Consultants, Inc., 2031 Ninth Avenue South, Birmingham 5, Ala.

Agreement involved: Agreement between and among common carriers by motor vehicle relating to joint consideration in initiating and changing rates, rules, regulations, and practices governing the transportation of household goods between all points in the United States, except Alaska and Hawaii.

The complete application may be inspected at the office of the Commission in Washington, D.C.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 20 days from the date of this notice. As provided by the General Rules of Practice of the Commission, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing.

By the Commission, Division 2.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 61-6275; Filed, July 5, 1961;
8:50 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 1-3848]

APEX MINERALS CORP.

Order Summarily Suspending Trading Pursuant to Section 19(a)(4) of the Securities Exchange Act of 1934

JUNE 29, 1961.

The common stock, \$1.00 par value, of Apex Minerals Corporation, being listed and registered on the San Francisco Mining Exchange, a national securities exchange; and

The Commission being of the opinion that the public interest requires the summary suspension of trading in such security on such Exchange and that such action is necessary and appropriate for the protection of investors; and

The Commission being of the opinion further that such suspension is necessary in order to prevent fraudulent, deceptive or manipulative acts or practices, with the result that it will be unlawful under section 15(c)(2) of the Securities Exchange Act of 1934 and the Commission's Rule 15c2-2 thereunder for any broker or dealer to make use of the mails or of any means or instrumentality of interstate commerce to effect any transaction in, or to induce or attempt to induce the purchase or sale of such security, otherwise than on a national securities exchange;

It is ordered, Pursuant to section 19(a)(4) of the Securities Exchange Act of 1934 that trading in said security on the

San Francisco Mining Exchange be summarily suspended in order to prevent fraudulent, deceptive or manipulative acts or practices, this order to be effective for a period of ten (10) days, June 30, 1961, to July 9, 1961, both dates inclusive.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-6253; Filed, July 5, 1961;
8:47 a.m.]

[File No. 24NY-5470]

BROADCAST INTERNATIONAL, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1961.

I. Broadcast International, Inc. (issuer), a New York corporation, located at 3 West 57th Street, New York, N.Y., filed with the Commission on June 2, 1961, a notification on Form 1-A and offering circular in connection with a proposed offering of 60,000 shares of common stock at \$5 per share, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of Regulation A, promulgated under section 3(b) of the Act.

II. The Commission has reasonable cause to believe that:

A. The terms and conditions of Regulation A have not been complied with, in that the issuer:

1. Fails to disclose in the notification a material transaction with respect to the stock held by the controlling person of the issuer;

2. Falsely names a person as an officer of the issuer who was not such at the time of the filing.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to provide financial statements prepared in accordance with generally accepted accounting principles and practices.

2. The failure to disclose that customers listed as current active accounts had ceased to deal with the issuer.

3. The overstatement of the number of programs which could be produced by the issuer with the proceeds of the offering.

4. The statement that Broadcast Planning represented 150 television stations.

C. The offering and sale of the issuer's securities would violate section 17(a) of the Securities Act of 1933.

III. It is ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, that the exemption under Regulation A be, and it hereby is, suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for a hearing within 30 days after the entry of this order; that within 20 days after receipt of such request, the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-6254; Filed, July 5, 1961;
8:47 a.m.]

[File No. 24A-1469]

J. I. MAGARIL COMPANY AND SPRAY-BILT, INC.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

JUNE 29, 1961.

I. Spray-Bilt, Inc. (Issuer), a Florida corporation, 3605 East 10th Court, Hialeah, Florida, and J. I. Magaril Company (Offeror), 37 Wall Street, New York, filed with the Commission on March 1, 1961, a notification on Form 1-A and an offering circular, relating to a proposed public offering of 16,000 shares of 10 cents par value common stock of Spray-Bilt, Inc. by J. I. Magaril Company as selling stockholder, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A promulgated thereunder. The offering was to be made by and on behalf of J. I. Magaril Company, the stock was to be sold at \$6.25 a share for an aggregate amount of \$100,000, and all proceeds were to be received by the selling stockholder.

II. The Commission has reasonable cause to believe that:

A. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made in the light of the circumstances under which they were made not misleading, particularly with respect to:

1. The failure to provide financial statements prepared in accordance with generally accepted accounting principles and practices as required by Item 11 of Schedule I, in that:

(a) The issuer failed to include expenses incurred in January 1961 as operating expenses for that month;

(b) The issuer changed its accounting practice to record sales at the time the order was received rather than at the time goods were shipped and this change had a material misleading effect

on the financial statements for the month of January 1961.

2. The issuer failed to disclose, as is required by generally accepted accounting principles and practices, the change in accounting procedure which materially affected comparability of financial statements with those of previous periods and which affected the net income for the month of January 1961.

3. Note F to the financial statements omits to state as a material fact the effect upon the issuer's profits of changes in accounting procedures and provides an explanation of the effects of an advertising campaign and convention which, in the light of the circumstances, is misleading.

B. The issuer and selling stockholder in the distribution of these securities have engaged in transactions, practices and a course of business which would operate and did operate as a fraud and deceit upon the purchasers of such securities, in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered*, Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-6255; Filed, July 5, 1961;
8:47 a.m.]

[File No. 24SF-2873]

YARBROUGH PETROLEUM CORP.

Notice and Order for Hearing

JUNE 29, 1961.

I. Yarbrough Petroleum Corporation (issuer), a Nevada corporation, filed with the Commission on April 18, 1961 a notification and offering circular relating to an offering of 300,000 shares of its \$1 par value capital stock at \$1 per share for an aggregate of \$300,000, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant

to the provisions of section 3(b) and Regulation A.

II. The Commission, on May 31, 1961, issued an order pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, temporarily suspending the issuer's exemption under Regulation A, and affording to any person having any interest therein an opportunity to request a hearing. A written request for a hearing has been received by the Commission.

The Commission deems it necessary and appropriate that a hearing be held for the purpose of determining whether it should vacate the temporary suspension order or enter an order of permanent suspension in this matter.

It is hereby ordered, Pursuant to Rule 261 of the general rules and regulations under the Securities Act of 1933, as amended, that a hearing be held at 10:00 a.m., on July 18, 1961 at Room 309, Guaranty Building, 6331 Hollywood Boulevard, Los Angeles, California, with respect to the following matters and questions, without prejudice, however, to the specification of additional issues which may be presented in these proceedings:

A. Whether the geological reports and the offering circular filed with the notification contain untrue statements of material facts and omit to state material facts necessary in order to make the statements made, in the light of the circumstances under which they are made, not misleading, particularly with respect to:

1. The estimate of the gross oil reserves of the issuer's Towle lease at 1,204,640 barrels, before reduction for royalties;

2. The estimate of reserves in possible production formations of the issuer's Reedy lease and the basis used in arriving at such estimate;

3. The use of projections of estimated income in future years from the Towle lease as well as the Reedy lease which cannot be justified on the basis of information known at present;

4. The failure to disclose that the information on the map of the Towle lease and the well data accompanying the map are not subject to correlation;

5. The failure to disclose that, based on information known at present, the possibility of obtaining profitable commercial production from the Towle lease is very remote;

6. The failure to disclose with respect to the Reedy lease the decline in pressure which normally occurs in any producing oil field with the passage of years and the adverse effect of such decline on production from the field;

7. The failure to disclose with respect to the Reedy lease that the accumulated production set forth for the wells reasonably close to the Reedy lease is an estimate rather than the actual production data and therefore subject to error;

8. The statement made in connection with the Reedy lease that many wells near that lease had initial production rates of thousands of barrels per day when the initial production rate of the largest well near the issuer's lease did

not amount to thousands of barrels per day.

B. Whether the offering would be made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is further ordered*, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing and any officer or officers so designated to preside at any such hearing are hereby authorized to exercise all of the powers granted to the Commission under sections 19(b), 21, and 22(c) of the Securities Act of 1933, as amended, and to hearing officers under the Commission's rules of practice.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order by registered mail on Yarbrough Petroleum Corporation, that notice of the entering of this order shall be given to all other persons by a general release of the Commission and by publication in the FEDERAL REGISTER. Any person who desires to be heard, or otherwise wishes to participate in the hearing, shall file with the Secretary of the Commission on or before July 14, 1961, a written request relative thereto as provided in Rule 9(c) of the Commission's rules of practice.

It is further ordered, That Yarbrough Petroleum Corporation, pursuant to Rule 7 of the rules of practice of the Commission (17 CFR 201.7), shall file an answer to the allegations set forth in section II hereinabove. Such answer shall be filed in the manner, form and within the time prescribed by 17 CFR 201.7 and shall specifically admit or deny or state that Yarbrough Petroleum Corporation does not have, and is unable to obtain, sufficient information to admit or deny each of the allegations set forth in section II above.

Notice is hereby given that if Yarbrough Petroleum Corporation fails to file an answer pursuant to 17 CFR 201.7 within fifteen days after service upon it of this notice and order for hearing, the proceedings may be determined against Yarbrough Petroleum Corporation by the Commission upon consideration of this notice and order for hearing and said allegations in section II above may be deemed to be true.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 61-6256; Filed, July 5, 1961;
8:47 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

EMILIA ROSSI

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administra-

NOTICES

tion thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Emilia Rossi, Rome, Italy; \$2,009.33 in the Treasury of the United States.

Vesting Order No. 2411; Claim No. 3893.

Executed at Washington, D.C., on June 29, 1961.

For the Attorney General.

[SEAL]

PAUL V. MYRON,

Acting Director,

Office of Alien Property.

[F.R. Doc. 61-6265; Filed, July 5, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Order 680]

TRANSFER AND DISPOSAL OF REAL AND RELATED PERSONAL PROPERTY

Delegation of Authority

JUNE 29, 1961.

SECTION 1. *Delegation of authority.* Pursuant to the authority contained in section 4 of Order 2830 of September 8, 1958 of the Secretary of the Interior, the Assistant Director—Administration, the Chief, Division of Administrative Services, Field Administrative Officers and State Directors may exercise the authority granted to the Director, Bureau of Land Management by section 2 of the order with respect to the assignment, transfer and disposition of real property and related personal property.

SEC. 2. *Exercise of authority.* The authority granted by this order shall be exercised in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. sec. 471 et seq.); the regulations of the General Services Administration, and the regulations of the Department of the Interior.

SEC. 3. *Redelegation.* The Field Administrative Officers and State Directors may in writing redelegate to any qualified employees within their jurisdiction the authority granted by this order. Each redelegation shall be published in the FEDERAL REGISTER.

SEC. 4. *Revocation.* Bureau Order No. 663 of March 28, 1960 is hereby revoked.

H. R. HOCHMUTH,
Associate Director.

[F.R. Doc. 61-6251; Filed, July 5, 1961; 8:47 a.m.]

Office of the Secretary

L. A. MOLLMAN

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and

Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) Add: General Electric Co., United Fruit Co., Illinois Power Co., Great Lakes Chem. Co. Remove: Millstadt (Illinois) Telephone Co.
- (3) None.
- (4) None.

This statement is made as of June 15, 1961.

Dated: June 15, 1961.

L. A. MOLLMAN.

[F.R. Doc. 61-6268; Filed, July 5, 1961; 8:49 a.m.]

RIGGS SHEPPERD

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) Marine Capital Corporation. Polaroid Corporation.
- (3) None.
- (4) None.

This statement is made as of June 19, 1961.

Dated: June 19, 1961.

RIGGS SHEPPERD.

[F.R. Doc. 61-6269; Filed, July 5, 1961; 8:49 a.m.]

A. H. WADE, JR.

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of June 14, 1961.

Dated: June 14, 1961.

A. H. WADE, JR.

[F.R. Doc. 61-6270; Filed, July 5, 1961; 8:49 a.m.]

CLARENCE W. MAYOTT

Statement of Changes in Financial Interests

In accordance with the requirements of section 710(b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests during the past six months:

- (1) None.
- (2) None.
- (3) None.
- (4) None.

This statement is made as of June 15, 1961.

Dated: June 15, 1961.

CLARENCE W. MAYOTT.

[F.R. Doc. 61-6267; Filed, July 5, 1961; 8:49 a.m.]

OFFICE OF CIVIL AND DEFENSE MOBILIZATION

C. F. OGDEN

Appointee's Statement of Changes in Business Interests

The following statement lists the names of concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

Domestic stocks:

Aeroquip Corp.
American Airlines, Inc.
Aluminum, Ltd.
The Detroit Edison Co.
Dow Chemical Co.
Fundamental Investors, Inc.
General Dynamics
General Electric Co.
Glenn L. Martin Co.
Litton Industries, Inc.
McLouth Steel.
Pfizer (Chas.) & Co., Inc.
Republic Steel Corp.
Phillips Petroleum.
Sperry Rand Corp.
Texas Gas Transmission.
Universal Match.

Canadian stocks:

Britalta Petroleum, Ltd.
New Athona Mines, Ltd.
Scurry Rainbow Oil, Ltd.
Rayrock Mines, Ltd.
Sarnoil, Ltd.

This amends statement published December 20, 1960 (25 F.R. 14002).

Dated: May 29, 1961.

C. F. OGDEN.

[F.R. Doc. 61-6237; Filed, July 5, 1961; 8:45 a.m.]

JAMES B. ROSSER

Appointee's Statement of Changes in Business Interests

The following statement lists the names and concerns required by subsection 710(b) (6) of the Defense Production Act of 1950, as amended.

I am a Vice President of Pullman-Standard, a division of Pullman Incorporated, and in addition, I own 250 shares of Pullman Incorporated stock.

Furthermore, I own the following shares of stock in the companies shown below:

- Shares:
- 195—National Lead Co.
 - 62—American Bakeries Co.
 - 53—Commonwealth Edison Co.
 - 2—Northern Illinois Gas Co.
 - 3—Evans Products Co.

¹ Three shares added since last statement.

² Added since last statement.

Other than the above connection with Pullman-Standard and the ownership of the stocks listed above, I do not have any affiliation, connection or interest in any other corporation, partnership, or any other business.

This amends statement published February 1, 1961 (26 F.R. 1010).

Dated: June 28, 1961.

JAMES B. ROSSER.

[F.R. Doc. 61-6238; Filed, July 5, 1961; 8:45 a.m.]

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Volume 74

UNITED STATES STATUTES AT LARGE

[86th Cong., 2d Sess.]

Contains laws and concurrent resolutions enacted by the Congress during 1960, proposed amendment to the Constitution, and Presidential proclamations

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THE
OFFICE
OF THE
TREASURER
OF THE
UNITED STATES
DEPARTMENT OF THE
TREASURY
WASHINGTON, D. C.
20548

COMPARATIVE CHECKING STATEMENT

THIS STATEMENT IS TO BE PREPARED BY THE DEPARTMENT OF THE TREASURY AND SUBMITTED TO THE COMMISSIONER OF THE GENERAL LAND OFFICE FOR HIS REVIEW AND APPROVAL.

DATE		AMOUNT		REMARKS	
1900	12	100.00	100.00	PAID TO THE	RECEIVED OF THE
1901	1	200.00	200.00	PAID TO THE	RECEIVED OF THE
1902	1	300.00	300.00	PAID TO THE	RECEIVED OF THE
1903	1	400.00	400.00	PAID TO THE	RECEIVED OF THE
1904	1	500.00	500.00	PAID TO THE	RECEIVED OF THE
1905	1	600.00	600.00	PAID TO THE	RECEIVED OF THE
1906	1	700.00	700.00	PAID TO THE	RECEIVED OF THE
1907	1	800.00	800.00	PAID TO THE	RECEIVED OF THE
1908	1	900.00	900.00	PAID TO THE	RECEIVED OF THE
1909	1	1000.00	1000.00	PAID TO THE	RECEIVED OF THE
1910	1	1100.00	1100.00	PAID TO THE	RECEIVED OF THE
1911	1	1200.00	1200.00	PAID TO THE	RECEIVED OF THE
1912	1	1300.00	1300.00	PAID TO THE	RECEIVED OF THE
1913	1	1400.00	1400.00	PAID TO THE	RECEIVED OF THE
1914	1	1500.00	1500.00	PAID TO THE	RECEIVED OF THE
1915	1	1600.00	1600.00	PAID TO THE	RECEIVED OF THE
1916	1	1700.00	1700.00	PAID TO THE	RECEIVED OF THE
1917	1	1800.00	1800.00	PAID TO THE	RECEIVED OF THE
1918	1	1900.00	1900.00	PAID TO THE	RECEIVED OF THE
1919	1	2000.00	2000.00	PAID TO THE	RECEIVED OF THE
1920	1	2100.00	2100.00	PAID TO THE	RECEIVED OF THE
1921	1	2200.00	2200.00	PAID TO THE	RECEIVED OF THE
1922	1	2300.00	2300.00	PAID TO THE	RECEIVED OF THE
1923	1	2400.00	2400.00	PAID TO THE	RECEIVED OF THE
1924	1	2500.00	2500.00	PAID TO THE	RECEIVED OF THE
1925	1	2600.00	2600.00	PAID TO THE	RECEIVED OF THE
1926	1	2700.00	2700.00	PAID TO THE	RECEIVED OF THE
1927	1	2800.00	2800.00	PAID TO THE	RECEIVED OF THE
1928	1	2900.00	2900.00	PAID TO THE	RECEIVED OF THE
1929	1	3000.00	3000.00	PAID TO THE	RECEIVED OF THE
1930	1	3100.00	3100.00	PAID TO THE	RECEIVED OF THE
1931	1	3200.00	3200.00	PAID TO THE	RECEIVED OF THE
1932	1	3300.00	3300.00	PAID TO THE	RECEIVED OF THE
1933	1	3400.00	3400.00	PAID TO THE	RECEIVED OF THE
1934	1	3500.00	3500.00	PAID TO THE	RECEIVED OF THE
1935	1	3600.00	3600.00	PAID TO THE	RECEIVED OF THE
1936	1	3700.00	3700.00	PAID TO THE	RECEIVED OF THE
1937	1	3800.00	3800.00	PAID TO THE	RECEIVED OF THE
1938	1	3900.00	3900.00	PAID TO THE	RECEIVED OF THE
1939	1	4000.00	4000.00	PAID TO THE	RECEIVED OF THE
1940	1	4100.00	4100.00	PAID TO THE	RECEIVED OF THE
1941	1	4200.00	4200.00	PAID TO THE	RECEIVED OF THE
1942	1	4300.00	4300.00	PAID TO THE	RECEIVED OF THE
1943	1	4400.00	4400.00	PAID TO THE	RECEIVED OF THE
1944	1	4500.00	4500.00	PAID TO THE	RECEIVED OF THE
1945	1	4600.00	4600.00	PAID TO THE	RECEIVED OF THE
1946	1	4700.00	4700.00	PAID TO THE	RECEIVED OF THE
1947	1	4800.00	4800.00	PAID TO THE	RECEIVED OF THE
1948	1	4900.00	4900.00	PAID TO THE	RECEIVED OF THE
1949	1	5000.00	5000.00	PAID TO THE	RECEIVED OF THE
1950	1	5100.00	5100.00	PAID TO THE	RECEIVED OF THE
1951	1	5200.00	5200.00	PAID TO THE	RECEIVED OF THE
1952	1	5300.00	5300.00	PAID TO THE	RECEIVED OF THE
1953	1	5400.00	5400.00	PAID TO THE	RECEIVED OF THE
1954	1	5500.00	5500.00	PAID TO THE	RECEIVED OF THE
1955	1	5600.00	5600.00	PAID TO THE	RECEIVED OF THE
1956	1	5700.00	5700.00	PAID TO THE	RECEIVED OF THE
1957	1	5800.00	5800.00	PAID TO THE	RECEIVED OF THE
1958	1	5900.00	5900.00	PAID TO THE	RECEIVED OF THE
1959	1	6000.00	6000.00	PAID TO THE	RECEIVED OF THE
1960	1	6100.00	6100.00	PAID TO THE	RECEIVED OF THE
1961	1	6200.00	6200.00	PAID TO THE	RECEIVED OF THE
1962	1	6300.00	6300.00	PAID TO THE	RECEIVED OF THE
1963	1	6400.00	6400.00	PAID TO THE	RECEIVED OF THE
1964	1	6500.00	6500.00	PAID TO THE	RECEIVED OF THE
1965	1	6600.00	6600.00	PAID TO THE	RECEIVED OF THE
1966	1	6700.00	6700.00	PAID TO THE	RECEIVED OF THE
1967	1	6800.00	6800.00	PAID TO THE	RECEIVED OF THE
1968	1	6900.00	6900.00	PAID TO THE	RECEIVED OF THE
1969	1	7000.00	7000.00	PAID TO THE	RECEIVED OF THE
1970	1	7100.00	7100.00	PAID TO THE	RECEIVED OF THE
1971	1	7200.00	7200.00	PAID TO THE	RECEIVED OF THE
1972	1	7300.00	7300.00	PAID TO THE	RECEIVED OF THE
1973	1	7400.00	7400.00	PAID TO THE	RECEIVED OF THE
1974	1	7500.00	7500.00	PAID TO THE	RECEIVED OF THE
1975	1	7600.00	7600.00	PAID TO THE	RECEIVED OF THE
1976	1	7700.00	7700.00	PAID TO THE	RECEIVED OF THE
1977	1	7800.00	7800.00	PAID TO THE	RECEIVED OF THE
1978	1	7900.00	7900.00	PAID TO THE	RECEIVED OF THE
1979	1	8000.00	8000.00	PAID TO THE	RECEIVED OF THE
1980	1	8100.00	8100.00	PAID TO THE	RECEIVED OF THE
1981	1	8200.00	8200.00	PAID TO THE	RECEIVED OF THE
1982	1	8300.00	8300.00	PAID TO THE	RECEIVED OF THE
1983	1	8400.00	8400.00	PAID TO THE	RECEIVED OF THE
1984	1	8500.00	8500.00	PAID TO THE	RECEIVED OF THE
1985	1	8600.00	8600.00	PAID TO THE	RECEIVED OF THE
1986	1	8700.00	8700.00	PAID TO THE	RECEIVED OF THE
1987	1	8800.00	8800.00	PAID TO THE	RECEIVED OF THE
1988	1	8900.00	8900.00	PAID TO THE	RECEIVED OF THE
1989	1	9000.00	9000.00	PAID TO THE	RECEIVED OF THE
1990	1	9100.00	9100.00	PAID TO THE	RECEIVED OF THE
1991	1	9200.00	9200.00	PAID TO THE	RECEIVED OF THE
1992	1	9300.00	9300.00	PAID TO THE	RECEIVED OF THE
1993	1	9400.00	9400.00	PAID TO THE	RECEIVED OF THE
1994	1	9500.00	9500.00	PAID TO THE	RECEIVED OF THE
1995	1	9600.00	9600.00	PAID TO THE	RECEIVED OF THE
1996	1	9700.00	9700.00	PAID TO THE	RECEIVED OF THE
1997	1	9800.00	9800.00	PAID TO THE	RECEIVED OF THE
1998	1	9900.00	9900.00	PAID TO THE	RECEIVED OF THE
1999	1	10000.00	10000.00	PAID TO THE	RECEIVED OF THE